

UNITED STATES  
BANKRUPTCY COURT  
DISTRICT OF COLORADO

**LOCAL  
BANKRUPTCY  
RULES, FORMS  
AND APPENDIX**



December 1, 2009



UNITED STATES  
BANKRUPTCY COURT  
DISTRICT OF COLORADO

**LOCAL  
BANKRUPTCY  
RULES**



December 1, 2009

**RULES**  
**Table of Contents**

**1000 Series**

<b>LOCAL BANKRUPTCY RULE 1001-1.....</b>	<b>1</b>
SCOPE OF RULES	
<b>LOCAL BANKRUPTCY RULE 1002-1.....</b>	<b>1</b>
MINIMUM INITIAL FILING REQUIREMENTS ON PETITION DATE	
<b>LOCAL BANKRUPTCY RULE 1007-1.....</b>	<b>3</b>
LISTS, SCHEDULES, STATEMENTS & OTHER DOCUMENTS	
<b>LOCAL BANKRUPTCY RULE 1007-2.....</b>	<b>3</b>
CREDITOR ADDRESS MAILING MATRIX	
<b>LOCAL BANKRUPTCY RULE 1007-4.....</b>	<b>3</b>
FINANCIAL DISCLOSURE BY CORPORATE DEBTOR	
<b>LOCAL BANKRUPTCY RULE 1007-5.....</b>	<b>4</b>
SOCIAL SECURITY NUMBER (Privacy)	
<b>LOCAL BANKRUPTCY RULE 1007-6.....</b>	<b>5</b>
EMPLOYEE PAYMENT ADVICES	
<b>LOCAL BANKRUPTCY RULE 1009-1.....</b>	<b>6</b>
AMENDMENTS TO LISTS & SCHEDULES	
<b>LOCAL BANKRUPTCY RULE 1015-1.....</b>	<b>7</b>
JOINT ADMINISTRATION	
<b>LOCAL BANKRUPTCY RULE 1017-1.....</b>	<b>8</b>
DEBTOR’S REQUEST FOR, NOTICE OF, CONVERSION	
<b>LOCAL BANKRUPTCY RULE 1017-2.....</b>	<b>9</b>
DISMISSAL OR SUSPENSION – CASE OR PROCEEDING (Failure to Provide Tax Returns)	
<b>LOCAL BANKRUPTCY RULE 1017-3.....</b>	<b>10</b>
DISMISSAL OR SUSPENSION – CASE OR PROCEEDINGS (Failure to File Documents and U.S. Trustee Standing Motion to Dismiss)	
<b>LOCAL BANKRUPTCY RULE 1019-1.....</b>	<b>11</b>
PROCEDURE FOLLOWING CONVERSION TO CHAPTER 7	
<b>LOCAL BANKRUPTCY RULE 1073-1.....</b>	<b>11</b>
ASSIGNMENT OF CASES	

## **2000 Series**

<b>LOCAL BANKRUPTCY RULE 2002-1</b>	<b>13</b>
NOTICE TO CREDITORS & OTHER INTERESTED PARTIES	
<b>LOCAL BANKRUPTCY RULE 2003-1</b>	<b>14</b>
MEETING OF CREDITORS & EQUITY SECURITY HOLDERS	
<b>LOCAL BANKRUPTCY RULE 2004-1</b>	<b>14</b>
DEPOSITIONS & EXAMINATIONS	
<b>LOCAL BANKRUPTCY RULE 2012-1</b>	<b>15</b>
NOTICE OF SUBSTITUTION OF TRUSTEE AND NOTICE OF SUCCESSOR TRUSTEE’S ACCOUNTING	
<b>LOCAL BANKRUPTCY RULE 2014-1</b>	<b>15</b>
APPOINTMENT OF PROFESSIONAL PERSONS	
<b>LOCAL BANKRUPTCY RULE 2015-1</b>	<b>16</b>
REPORTS	
<b>LOCAL BANKRUPTCY RULE 2016-1</b>	<b>17</b>
COMPENSATION OF PROFESSIONALS	
<b>LOCAL BANKRUPTCY RULE 2016-2</b>	<b>18</b>
INTERIM COMPENSATION PROCEDURES IN CHAPTER 11 CASES	
<b>LOCAL BANKRUPTCY RULE 2016-3</b>	<b>19</b>
COMPENSATION OF CHAPTER 13 DEBTOR’S COUNSEL	
<b>LOCAL BANKRUPTCY RULE 2016-4</b>	<b>21</b>
COMPENSATION OF PETITION PREPARERS	
<b>LOCAL BANKRUPTCY RULE 2018-1</b>	<b>21</b>
INTERVENTION BY UNITED STATES OR A STATE ON CONSTITUTIONAL QUESTION	
<b>LOCAL BANKRUPTCY RULE 2081-1</b>	<b>22</b>
CHAPTER 11 – INITIAL MOTIONS	
<b>LOCAL BANKRUPTCY RULE 2081-2</b>	<b>22</b>
CHAPTER 11 – CERTAIN NOTICES	
<b>LOCAL BANKRUPTCY RULE 2081-3</b>	<b>26</b>
CHAPTER 11 – MOTIONS TO DISMISS OR CONVERT	
<b>LOCAL BANKRUPTCY RULE 2082-1</b>	<b>28</b>
CHAPTER 12 – GENERAL	

<b>LOCAL BANKRUPTCY RULE 2083-1.....</b>	<b>30</b>
CHAPTER 13 – GENERAL (Preconfirmation Adequate Protection Payments on Personal Property)	
<b><u>3000 Series</u></b>	
<b>LOCAL BANKRUPTCY RULE 3001-1.....</b>	<b>32</b>
CLAIMS AND EQUITY SECURITY INTERESTS – GENERAL	
<b>LOCAL BANKRUPTCY RULE 3003-1.....</b>	<b>32</b>
FILING PROOF OF CLAIM IN CHAPTER 11 CASE	
<b>LOCAL BANKRUPTCY RULE 3004-1.....</b>	<b>32</b>
FILING OF PROOF OF CLAIM BY DEBTOR OR TRUSTEE	
<b>LOCAL BANKRUPTCY RULE 3005-1.....</b>	<b>33</b>
FILING OF PROOF OF CLAIM BY GUARANTOR, SURETY, INDORSER OR OTHER CO-DEBTOR	
<b>LOCAL BANKRUPTCY RULE 3007-1.....</b>	<b>33</b>
OBJECTIONS TO CLAIMS	
<b>LOCAL BANKRUPTCY RULE 3012-1.....</b>	<b>34</b>
VALUATION OF COLLATERAL AND DETERMINATION OF SECURED STATUS PURSUANT TO 11 U.S.C. § 506	
<b>LOCAL BANKRUPTCY RULE 3015-1.....</b>	<b>36</b>
FILING OF CHAPTER 13 PLAN	
<b>LOCAL BANKRUPTCY RULE 3017-1.....</b>	<b>44</b>
DISCLOSURE STATEMENT – NOTICE AND OBJECTIONS	
<b>LOCAL BANKRUPTCY RULE 3017.1-1.....</b>	<b>45</b>
CONDITIONAL APPROVAL OF DISCLOSURE STATEMENT IN SMALL BUSINESS CASES	
<b>LOCAL BANKRUPTCY RULE 3017-2.....</b>	<b>46</b>
COMBINED CHAPTER 11 PLAN AND DISCLOSURES IN SMALL BUSINESS CASES	
<b>LOCAL BANKRUPTCY RULE 3022-1.....</b>	<b>48</b>
CHAPTER 11--FINAL REPORT/DECREE	

## **4000 Series**

<b>LOCAL BANKRUPTCY RULE 4001-1</b>	<b>49</b>
RELIEF FROM AUTOMATIC STAY	
<b>LOCAL BANKRUPTCY RULE 4001-2</b>	<b>52</b>
TERMINATION, ABSENCE, OR EXTENSION OF AUTOMATIC STAY	
<b>LOCAL BANKRUPTCY RULE 4001-3</b>	<b>54</b>
CASH COLLATERAL AND POST-PETITION FINANCING	
<b>LOCAL BANKRUPTCY RULE 4001-4</b>	<b>55</b>
COMMUNICATION NOT IN VIOLATION OF THE AUTOMATIC STAY	
<b>LOCAL BANKRUPTCY RULE 4002-1</b>	<b>56</b>
DUTIES REGARDING TAX INFORMATION	
<b>LOCAL BANKRUPTCY RULE 4002-2</b>	<b>57</b>
SERVICEMEMBERS CIVIL RELIEF ACT OF 2003 (“SCRA”)	
<b>LOCAL BANKRUPTCY RULE 4003-1</b>	<b>58</b>
EXEMPTIONS	
<b>LOCAL BANKRUPTCY RULE 4003-2</b>	<b>58</b>
LIEN AVOIDANCE	
<b>LOCAL BANKRUPTCY RULE 4004-1</b>	<b>59</b>
DISCHARGE	
<b>LOCAL BANKRUPTCY RULE 4008-1</b>	<b>60</b>
REAFFIRMATION OF DISCHARGEABLE DEBTS	

## **5000 Series**

<b>LOCAL BANKRUPTCY RULE 5001-2</b>	<b>61</b>
CLERK – OFFICE LOCATION AND HOURS	
<b>LOCAL BANKRUPTCY RULE 5003-1</b>	<b>61</b>
RECORDS RETENTION	
<b>LOCAL BANKRUPTCY RULE 5005-4</b>	<b>62</b>
ELECTRONIC FILING	
<b>LOCAL BANKRUPTCY RULE 5010-1</b>	<b>64</b>
REOPENING CASES	

<b>LOCAL BANKRUPTCY RULE 5011-1.....</b>	<b>65</b>
MOTIONS FOR WITHDRAWAL OF THE REFERENCE	
<b>LOCAL BANKRUPTCY RULE 5073-1.....</b>	<b>65</b>
PHOTOGRAPHY, RECORDING DEVICES & BROADCASTING	
<b>LOCAL BANKRUPTCY RULE 5095-1.....</b>	<b>66</b>
INVESTMENT OF ESTATE FUNDS	
 <b><u>6000 Series</u></b>	
<b>LOCAL BANKRUPTCY RULE 6004-1.....</b>	<b>67</b>
SALE OF ESTATE PROPERTY	
 <b><u>7000 Series</u></b>	
<b>LOCAL BANKRUPTCY RULE 7001-1.....</b>	<b>68</b>
ADVERSARY PROCEEDINGS - GENERAL	
<b>LOCAL BANKRUPTCY RULE 7007-1.....</b>	<b>68</b>
ADVERSARY PROCEEDINGS – RESPONSES TO MOTIONS	
<b>LOCAL BANKRUPTCY RULE 7007.1-1.....</b>	<b>69</b>
CORPORATE OWNERSHIP STATEMENT	
<b>LOCAL BANKRUPTCY RULE 7016-1.....</b>	<b>69</b>
PRE-TRIAL PROCEDURE FOR ADVERSARY PROCEEDINGS	
<b>LOCAL BANKRUPTCY RULE 7026-1.....</b>	<b>69</b>
DISCOVERY - GENERAL	
<b>LOCAL BANKRUPTCY RULE 7026-2.....</b>	<b>70</b>
SPECIAL PROVISIONS REGARDING LIMITED AND SIMPLIFIED DISCOVERY	
<b>LOCAL BANKRUPTCY RULE 7041-1.....</b>	<b>70</b>
NOTICE REQUIREMENTS FOR DISMISSAL OF PROCEEDINGS TO DENY DISCHARGES	
<b>LOCAL BANKRUPTCY RULE 7055-1.....</b>	<b>71</b>
DEFAULT – FAILURE TO PROSECUTE	
<b>LOCAL BANKRUPTCY RULE 7056-1.....</b>	<b>72</b>
SUMMARY JUDGMENT	
<b>LOCAL BANKRUPTCY RULE 7069-1.....</b>	<b>73</b>
PAYMENT OF JUDGMENT	



## **8000 Series**

<b>LOCAL BANKRUPTCY RULE 8001-1.....</b>	<b>75</b>
NOTICE OF APPEAL	
<b>LOCAL BANKRUPTCY RULE 8001-3.....</b>	<b>75</b>
ELECTION FOR DISTRICT COURT DETERMINATION OF APPEAL	
<b>LOCAL BANKRUPTCY RULE 8004-1.....</b>	<b>76</b>
SERVICE OF NOTICE OF APPEAL	
<b>LOCAL BANKRUPTCY RULE 8006-1.....</b>	<b>77</b>
DESIGNATION OF RECORD - APPEAL	
<b>LOCAL BANKRUPTCY RULE 8007-1.....</b>	<b>77</b>
COMPETITION OF RECORD - APPEAL	
<b>LOCAL BANKRUPTCY RULE 8008-1.....</b>	<b>77</b>
FILING PAPERS - APPEAL	

## **9000 Series**

<b>LOCAL BANKRUPTCY RULE 9001-1.....</b>	<b>78</b>
DEFINITIONS	
<b>LOCAL BANKRUPTCY RULE 9004-1.....</b>	<b>79</b>
PAPERS – REQUIREMENTS OF FORM	
<b>LOCAL BANKRUPTCY RULE 9004-2.....</b>	<b>80</b>
CAPTION – PAPERS, GENERAL	
<b>LOCAL BANKRUPTCY RULE 9009-1.....</b>	<b>81</b>
FORMS	
<b>LOCAL BANKRUPTCY RULE 9010-1.....</b>	<b>81</b>
ATTORNEYS – NOTICE OF APPEARANCE	
<b>LOCAL BANKRUPTCY RULE 9010-3.....</b>	<b>83</b>
SUPERVISED LAW STUDENTS	
<b>LOCAL BANKRUPTCY RULE 9010-4.....</b>	<b>84</b>
ATTORNEYS - WITHDRAWAL	
<b>LOCAL BANKRUPTCY RULE 9011-4.....</b>	<b>86</b>
SIGNATURES AND E-FILING	
<b>LOCAL BANKRUPTCY RULE 9013-1.....</b>	<b>86</b>
MOTIONS PRACTICE	

<b>LOCAL BANKRUPTCY RULE 9013-2.....</b>	<b>89</b>
CERTIFICATE OF SERVICE - MOTIONS	
<b>LOCAL BANKRUPTCY RULE 9014-1.....</b>	<b>89</b>
CONTESTED MATTERS	
<b>LOCAL BANKRUPTCY RULE 9019-2.....</b>	<b>90</b>
ALTERNATIVE DISPUTE RESOLUTION	
<b>LOCAL BANKRUPTCY RULE 9023-1.....</b>	<b>92</b>
SERVICE OF MOTION TO ALTER OR AMEND JUDGMENT	
<b>LOCAL BANKRUPTCY RULE 9024-1.....</b>	<b>92</b>
SERVICE OF MOTION FOR RELIEF FROM JUDGMENT OR ORDER	
<b>LOCAL BANKRUPTCY RULE 9025-1.....</b>	<b>92</b>
BONDS	
<b>LOCAL BANKRUPTCY RULE 9027-1.....</b>	<b>93</b>
SERVICE OF NOTICE OF REMOVAL	
<b>LOCAL BANKRUPTCY RULE 9029-1.....</b>	<b>93</b>
LOCAL BANKRUPTCY RULES AND PROCEDURES	
<b>LOCAL BANKRUPTCY RULE 9036-1.....</b>	<b>93</b>
NOTICE BY ELECTRONIC TRANSMISSION	
<b>LOCAL BANKRUPTCY RULE 9070-1.....</b>	<b>94</b>
WITNESSES & EXHIBITS	

## LOCAL BANKRUPTCY RULE 1001-1 SCOPE OF RULES

- (a) General Applicability:** These rules and forms supplement the Federal Rules of Bankruptcy Procedure (“FED. R. BANKR. P.”) and the Bankruptcy Official Forms (“Official Forms”) and govern practice and procedure in the United States Bankruptcy Court for the District of Colorado.
- (b) Applicability of Rules to Persons Appearing without Counsel:** Individuals who appear before the court who are not represented by an attorney are bound by the L.B.R. and any reference to “attorney” applies to individuals who are not represented by an “attorney” unless otherwise noted.
- (c) Citation to the Rules:** The rules are to be cited as the Local Bankruptcy Rules (“L.B.R.”), the forms as the Local Bankruptcy Forms (“L.B. Forms”), and the appendix as the Local Bankruptcy Rules Appendix (“L.B.R. \_\_\_\_ App.”).
- (d) Uniform Numbering System:** The numbering system in these L.B.R. and L.B. Forms is based on the Uniform Numbering System for Local Bankruptcy Court Rules developed by the Judicial Conference Advisory Committee on Bankruptcy Rules. Any gaps in the numbering system are intentional.
- (e) Reference to Debtor:** Any reference to “debtor” in the L.B.R. and L.B. Forms includes both “debtors” in a joint case.
- (f) Prior Rules; Actions Pending on Effective Date.** These Local Bankruptcy Rules supersede all previous Local Bankruptcy Rules and General Procedure Orders promulgated by the court prior to the Effective Date of December 1, 2009, except as otherwise ordered. They shall govern all cases or proceedings pending on or filed after the Effective Date, unless the court finds they would not be feasible or would work an injustice.

### Commentary

[Source: COB LBR 101 and C.D. Cal]

## LOCAL BANKRUPTCY RULE 1002-1 MINIMUM INITIAL FILING REQUIREMENTS ON PETITION DATE

- (a) Initial Filing Requirements:** Along with the submission of a voluntary petition, Official Form 1, the debtor must also complete and file the following:
- (1) Cover Sheet:** In paper filed cases only, a cover sheet in substantial conformity with [L.B. Form 1002-1.1](#).

**(2) Certificate of Credit Counseling:** In the event the debtor is an individual,

(A) the debtor's Certificate of Credit Counseling evidencing that the debtor has complied with the credit counseling requirements set forth in 11 U.S.C. § 109(h)(1), or

(B) a written explanation as to why a temporary exemption or exception should apply under 11 U.S.C. § 109(h)(3) or (4) shall be provided on the Official Form Exhibit D.

**(3) Filing Fees:** Pay the applicable filing fee in full. If the debtor is an individual, the debtor may file an application to pay the filing fee in installment payments or an application for a waiver of the filing fee. See 28 U.S.C. § 1930, FED. R. BANKR. P. 1006 and applicable Official Forms for further information on filing fees.

**(4) Statement of Social Security Number:** In the event the debtor is an individual, Official Form 21 - Statement of Social Security number. See L.B.R. 1007-5 for further information on Social Security numbers and privacy.

**(5) Creditor Address Mailing Matrix:** A proper Creditor Address Mailing Matrix. See 11 U.S.C. § 521(a)(1), FED. R. BANKR. P. 1007(a)(1), L.B.R. 1007-2 and L.B.R. 1007-2App. for further information on filing a proper Creditor Address Mailing Matrix.

**(6) List of 20 Largest Unsecured Creditors:** For a petition under chapter 9 or a voluntary chapter 11, the list containing the name, address and estimated claim of the creditors that hold the 20 largest unsecured claims as required by FED. R. BANKR. P. 1007(d).

**(b) Notice of Non-Filing and Return of Deficient Petition:** The Clerk may decline to accept for filing any bankruptcy petition tendered in paper for filing that does not contain the minimum requirements as stated in L.B.R. 1002-1(a).

### **Commentary**

[Source: L.B.R. 102, Transitional Local Bankruptcy Form 1002-1, Transitional Local Bankruptcy Form 1007-1, and GPO 2002-2]

See L.B.R. 1017-3 for information on dismissal for failure to file documents and the United States Trustee's Standing Motion to Dismiss.

A schedule of the current fees can be found at the bankruptcy court's website at [www.cob.uscourts.gov](http://www.cob.uscourts.gov).

**LOCAL BANKRUPTCY RULE 1007-1  
LISTS, SCHEDULES, STATEMENTS & OTHER DOCUMENTS**

FED. R. BANKR. P. 1002 through 1008 govern the documents required to be filed at or near the commencement of a case. [L.B.R. 1007-1App.](#) contains a list, in proper sequence, of the documents required to be filed to constitute a complete bankruptcy filing. [L.B.R. 1007-1App.](#) also includes references to applicable Official Forms, Director's Procedural Forms and L.B. Forms.

**Commentary**

[Source: T.L.B.R. 1007-1]

**LOCAL BANKRUPTCY RULE 1007-2  
CREDITOR ADDRESS MAILING MATRIX**

**(a) Content:** The debtor must file a verified list of creditors, referred to as the Creditor Address Mailing Matrix, pursuant to 11 U.S.C. § 521(a)(1)(A) in the form and manner described in L.B.R. 1007-2App. The debtor must file a Verification of Creditor Address Mailing Matrix in substantial conformity with [L.B. Form 1007-2.1](#).

**(b) Assignment:** In addition to the requirements of FED. R. BANKR. P. 1007(a), if an assignment of the account or debt is known to the person verifying such information, the full names and addresses of both the original creditor and assignee must be listed. If the debt is in the hands of an attorney or other agent for collection, the full names and addresses of both the creditor and attorney or other agent should be listed, if known.

**(c) Amendments:** See [L.B.R. 1007-2App.](#) and L.B.R. 1009-1 for information on amendments to the schedules and Creditor Address Mailing Matrix.

**Commentary**

[Source: L.B.R. 107(c)]

**LOCAL BANKRUPTCY RULE 1007-4  
FINANCIAL DISCLOSURE BY CORPORATE DEBTOR**

(a) The following financial disclosures are required of business debtors:

(1) Corporate Ownership Statement pursuant to FED. R. BANKR. P. 1007(a)(1) in substantial conformity with [L.B. Form 1007-4.1](#).

(2) List of Equity Interest Holders pursuant to FED. R. BANKR. P. 1007(a)(3) in substantial conformity with [L.B. Form 1007-4.2](#).

(3) Balance Sheet, Statement of Operations, Cash-Flow Statement, Federal income tax return for Small Business Debtors pursuant to 11 U.S.C. § 1116(1)(A) or a statement under penalty of perjury that such documents do not exist pursuant to 11 U.S.C. § 1116(1)(B).

### **Commentary**

[Source: New.]

See FED. R. BANKR. P. 7007.1 and L.B.R. 7007.1-1 for additional information on filing a Corporate Ownership Statement in adversary proceedings.

### **LOCAL BANKRUPTCY RULE 1007-5 SOCIAL SECURITY NUMBER (PRIVACY)**

**(a) Petition:** When filing the petition electronically, the electronic filer must enter the debtor's full Social Security number when opening a case, but must include only the last four digits on the petition, Official Form 1.

**(b) Statement of Social Security Number:**

**(1) Official Form 21:** All voluntary petitions in individual debtor cases must be accompanied by the filing of

(i) Official Form 21, Statement of Social Security number, in conventional paper format; or

(ii) For petitions that are filed electronically, Official Form 21, using the proper secured event to prevent public access to the form.

**(2) Receipt:** A receipt of the Statement of Social Security number will be entered on the docket, but will not be available for public inspection at the court or over the internet.

**(3) Amended Statement of Social Security Number:**

(i) Correction: An incorrect Social Security number must be corrected by the debtor by submitting an Amended Statement of Social Security number. The Amended Statement must include the originally submitted and the correct Social Security numbers and must be filed within seven (7) days of the debtor discovering or being informed of the error.

(ii) Service: Filed with the Amended Statement or not later than three (3) court days of filing the Amended Statement of Social Security number as

prescribed above, the debtor must file a certificate of service evidencing service of the Amended Statement of Social Security number on the United States Trustee, the trustee, and all creditors.

**(4) Failure to File the Statement of Social Security Number:** Failure to file or serve the Statement of Social Security number, or any amendment thereto, in accordance with this L.B.R. may result in dismissal of the case.

**(c) Proof of Claim Form:** Creditors claiming wages owed from the debtor should disclose only the last four digits of their Social Security number on Official Form 10, Proof of Claim.

**(d) Redaction of Personal Identifiers:** It is the responsibility of any party filing documents with the court, not the Clerk, to redact Social Security numbers and other personal identifiers such as dates of birth, financial account numbers, and names of minor children. This includes copies of employee payment advices, tax returns, or other financial documents that may be filed or attached as an exhibit to documents filed with the court. In the event a petition or other document is tendered for filing that bears the entire Social Security number of the debtor, the Clerk will file said petition or document as tendered without taking any action to redact the first five digits of the Social Security number.

### **Commentary**

[Source: L.B.R. 107(c) and GPO 2003-4]

See L.B.R. 4002-1 for privacy of tax return information and L.B.R. 9004-2 for information on captions.

See also FED. R. BANKR. P. 1009 and FED. R. BANKR. P. 9037.

### **LOCAL BANKRUPTCY RULE 1007-6 EMPLOYEE PAYMENT ADVICES**

**(a) Filing Requirement:** The debtor must file the required payment advices pursuant to 11 U.S.C. § 521(a)(1)(B)(iv) or a statement as to why the debtor has not complied. The statement must be in substantial conformity with [L.B. Form 1007-6.1](#).

**(b) Failure to File Any Payment Advices:** If no payment advices are filed with the petition and the debtor has not filed a statement in substantial conformity with [L.B. Form 1007-6.1](#), the court may issue a notice of deficiency. The failure to cure the deficiency may result in the dismissal of the case pursuant to 11 U.S.C. § 521(i) and L.B.R. 1017-3.

**(c) Motions or Objections Regarding Filed Payment Advices:** All parties in the case have until the latter of forty-five (45) days after the petition is filed, or thirty (30) days after the payment advices are filed, to file a motion to modify a docket entry that states a payment advice was filed or to challenge the court's acceptance of documents in satisfaction of the payment advice filing requirement. The failure to timely file such a motion or challenge will result in the documents being deemed accepted and sufficient in satisfaction of the filing requirement in 11 U.S.C. § 521(a)(1)(B)(iv), unless otherwise ordered by the court.

### **Commentary**

[Source: Paragraphs (a) and (b) are new. Paragraph (c) is from GPO 2006-2]

## **LOCAL BANKRUPTCY RULE 1009-1 AMENDMENTS TO LISTS & SCHEDULES**

**(a) Amendments to Add Creditors or Other Information:** An amendment to Schedules D, E, F, G and H pursuant to FED. R. BANKR. P. 1009 made after the initial 11 U.S.C. § 341 meeting, must be:

- (1) shown on a schedule separate from the schedule originally filed; or
- (2) highlighted, i.e., marked by an asterisk, underscored, etc., if such amendment has been incorporated in a revised edition of the schedule originally filed; and
- (3) shown on an amended Creditors Address Mailing Matrix in the form and manner described in L.B.R. 1007-2 and L.B.R. 1007-2App that is separate and apart from any other Creditor Address Mailing Matrix previously filed in the case; and
- (4) must be accompanied by payment of any fee prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. § 1930(b).

**(b) Notice of Amendment:** In addition to the requirements of 11 U.S.C. § 342(c)(1) and FED. R. BANKR. P. 1009(a), upon the filing of an amendment adding creditors or parties in interest, the debtor must mail to the newly added creditors or parties a copy of the following documents:

- (1) the amended schedule,
- (2) the Notice of Amendment to Schedule, [L.B. Form 1009-1.1](#),
- (3) the Notice of Meeting of Creditors, and
- (4) any notice of possible dividend or notice of a bar date for filing proofs of claim, along with a proof of claim form.

**(c) Certificate of Service:** The debtor must file a certificate of service showing compliance with this L.B.R. with the amendment or not later than three (3) court days of filing the amendment.



**(d) Creditor Requests to Modify Creditor Address Mailing Matrix:** If a creditor wishes to modify the address listed in the schedules or on the Creditor Address Mailing Matrix the creditor may file or modify a proof of claim or file a notice of change of address and mail a copy to the debtor and debtor's counsel.

### **Commentary**

[Source: W.D. Mo., D. Colo. 109 and GPO 2005-1]

## **LOCAL BANKRUPTCY RULE 1015-1 JOINT ADMINISTRATION**

**(a) Motions:** On motion of any party in interest, on notice to the United States trustee, any case trustee, and such further notice as the court may direct, separate cases enumerated in FED. R. BANKR. P. 1015(b) may, upon order of the court, be jointly administered.

**(b) Order:** Parties seeking joint administration must submit a proposed order in substantial conformity with [L.B. Form 1015-1.1](#).

**(c) Notice:** When an order granting joint administration is entered, the Clerk, or such other person as the court may direct, must provide notice to all creditors and parties in interest that the administrative procedures listed below apply. The court may, in its discretion, order that the debtor(s) maintain a comprehensive service list of creditors from all jointly administered estates.

(1) Unless otherwise ordered, jointly administered cases will be reassigned to the judge to whom the lower-numbered (first) case was assigned. The lower-numbered case will be known as the "lead case."

(2) Unless otherwise ordered, all motions, pleadings, and other documents filed in the jointly-administered case shall bear a combined caption which includes the full name and number of each specific case as in Official Bankruptcy Form 16A, and must be filed, docketed and processed in the lead case, except for the following:

(A) a motion which applies to less than all jointly administered debtors must clearly indicate in the caption and title to which debtor(s) the motion applies, but must still be filed in the lead case;

(B) all proofs of claim must be filed in the specific case to which they apply;

(C) monthly financial reports must be filed in the specific case to which they apply; and

(D) amendments to schedules, statements, lists and other required documents in FED. R. BANKR. P. 1002 and 1007 must be filed in the specific case to which the amendments apply.

(d) This L.B.R. does not affect the substantive issues of the jointly-administered estates, either individually or collectively, nor does it affect the requirements of FED. R. BANKR. P. 2009.

### **Commentary**

[Source: L.B.R. 115]

This L.B.R. is intended to deal with joint administration, as opposed to substantive consolidation.

## **LOCAL BANKRUPTCY RULE 1017-1 DEBTOR'S REQUEST FOR, NOTICE OF, CONVERSION**

### **(a) Conversion From Chapter 7 to Chapter 11, 12 or 13:**

**(1) No Prior Conversion:** To convert a case from chapter 7 to chapter 11, 12 or 13 pursuant to 11 U.S.C. § 706(a), where eligible, the debtor must file a Motion for Voluntary Conversion in accordance with Fed. R. Bankr. P. 1017(f)(2), whereupon the Clerk will, if the case has not been previously converted under 11 U.S.C. §§ 1112, 1208 or 1307, enter a virtual text order effecting the conversion.

**(2) Prior Conversion:** In the event that the case has been previously converted, the debtor must comply with 11 U.S.C. § 706(c) and file a motion for conversion with notice to creditors pursuant to L.B.R. 9013-1.

### **(b) Conversion From Chapter 11 to Chapter 7:**

**(1) Generally:** The debtor, where eligible, must file a Motion for Voluntary Conversion. Upon receipt of the application fee, the Clerk may then enter a virtual order converting the case.

**(2) Limitations:** Where the provisions of 11 U.S.C. § 1112(a) apply, the debtor must file a Motion for Voluntary Conversion with notice pursuant to L.B.R. 9013-1.

**(c) Fees:** The court will not act upon motion to convert until all required fees pursuant to 28 U.S.C. § 1930 have been paid.

**(d) Reconsideration:** Any party in interest may file a motion to reconsider the conversion of the case within the time specified by FED. R. BANKR. P. 9023 and 9024.

### **Commentary**

[Source: L.B.R. 117 and GPO 2003-6]

A schedule of the current fees can be found at the bankruptcy court's website at [www.cob.uscourts.gov](http://www.cob.uscourts.gov).

This L.B.R. is intended to address issues raised by *Marrama v. Citizens Bank of Massachusetts* (*In re Marrama*), 127 S.Ct. 1105 (2007).

Where debtor is seeking conversion for a second time, *see In re Murth*, 378 B.R. 302 (Bankr. D. Colo 2007); *but see In re Johnson*, 376 B.R. 763 (Bankr. D. N.M. 2007).

### **LOCAL BANKRUPTCY RULE 1017-2 DISMISSAL OR SUSPENSION – CASE OR PROCEEDING (Failure to Provide Tax Returns)**

**(a) Motion to Dismiss Pursuant to 11 U.S.C. § 521(e)(2):** If the debtor fails to provide the trustee or timely requesting creditor with the federal income tax return or transcript under 11 U.S.C. § 521(e)(2)(A), the trustee or requesting creditor may file a combined motion to dismiss and notice in substantial conformity with [L.B. Form 1017-2.1](#).

**(b) Service and Notice:** The motion and notice must be served on the debtor, debtor's counsel, the case trustee and the United States Trustee. Pursuant to FED. R. BANKR. P. 9006(c), the time to object to the Motion is fourteen (14) days. The notice must include a specific objection deadline.

**(c) Objection:** The debtor's objection must explain why the failure to provide tax returns was not within the debtor's control as required by 11 U.S.C. § 521(e)(2).

**(d) Order and Hearing:** If no objection is filed, the court may enter an order granting the Motion upon the filing of a Certificate of Noncontested Matter, [L.B. Form 9013-1.3](#) and the case will be dismissed. If an objection is filed, the court may set the matter for a hearing upon the filing of a Certificate of Contested Matter, [L.B. Form 9013-1.4](#).

### **Commentary**

[Source: L.B.R. 117 and T.L.B.R. 1017]

See FED. R. BANKR. P. 4002 and 9037 and L.B.R. 1007-5 and 4002-1 for privacy of tax return information.

**LOCAL BANKRUPTCY RULE 1017-3**  
**DISMISSAL OR SUSPENSION – CASE OR PROCEEDINGS**  
**(Failure to File Documents and the United States Trustee’s**  
**Standing Motion to Dismiss)**

**(a) Deficient Filings:**

**(1) “Deficiency” Defined:** A filing to commence a bankruptcy case is deemed to be “deficient” if the lists, schedules, statements and other required documents to commence a case are not filed in compliance with, and in the time specified in, the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and these L.B.R. and L.B. Forms, including applicable appendices attached hereto.

**(2) Cause for Dismissal:** In the event a case is deficient, such deficient filing may constitute cause for dismissal.

**(3) Standing Motion to Dismiss by United States Trustee:** The United States Trustee has filed with the court a document entitled United States Trustee's Standing Motion to Dismiss Deficient Case (the “Standing Motion to Dismiss,” L.B.R. 1017-3App.). The Standing Motion to Dismiss applies to a deficient case filed with the Clerk.

**(4) Notice:** In the event a deficient voluntary case is filed, the Clerk may provide notice of the deficiency and Standing Motion to Dismiss. Notice to the debtor and the debtor’s attorney will be served to the addresses shown on the petition.

**(5) Objections:** Any party desiring to object to the dismissal of the case may do so by filing an objection and request for hearing in accordance with L.B.R. 9013-1 within the time fixed for the filing of objections as set forth in the notice of deficiency, or such other time as may be fixed by the court. The debtor must state why the failure to file tax returns was due to circumstances beyond the debtor’s control.

**(6) Dismissal Order:** A deficient voluntary case may be dismissed unless the deficiency is timely cured or an objection is filed. Notice to the creditors and other interested parties of the dismissal will be served by the Clerk to the addresses of the creditors and other interested parties, if any, as shown on the Creditor Address Mailing Matrix.

**Commentary**

[Source: L.B.R. 505, GPO 2002-2 and GPO 2002-4.]

See L.B.R. 1002-1 and 1007-1 for initial filing requirements.

See L.B.R. 2081-3 for motions to dismiss chapter 11 cases.

See [L.B. Forms 1017-3.1](#) and [1017-3.2](#) for dismissal of chapter 13 cases.

Note the difference between the Clerk rejecting a filing for failing to meet the minimum documentation requirements of L.B.R. 1002-1(b) versus accepting the filing but issuing a notice of deficiency pursuant to L.B.R. 1017-3.

### **LOCAL BANKRUPTCY RULE 1019-1 PROCEDURE FOLLOWING CONVERSION TO CHAPTER 7**

**(a) Schedule of Unpaid Post-Petition Debts:** The party filing the schedule of unpaid debts required by FED. R. BANKR. P. 1019(5), must give written notice by mailing a copy of the schedule to:

- (1) the United States Trustee;
- (2) the trustee assigned to the case;
- (3) each entity named therein;
- (4) the United States; and
- (5) any state or any subdivision thereof wherein the debtor transacted business.

**(b) Notice:** The notice must include a statement advising that creditors scheduled therein may file a proof of claim in accordance with FED. R. BANKR. P. 3001(a) through (d) and 3002.

**(c) Certificate of Service:** The party filing the schedule of unpaid debts must file a certificate of service showing compliance with this L.B.R. with the schedule or not later than three (3) court days of filing the schedule.

### **Commentary**

[Source: L.B.R. 119]

### **LOCAL BANKRUPTCY RULE 1073-1 ASSIGNMENT OF CASES**

**(a) Assignment of Cases:** Cases are assigned to judges by random selection to the extent possible.

**(b) Related Cases:** A case related to another pending case may be assigned or reassigned to the judge with the earliest filed case. A case is “related” to another case if one of the debtors in one case is an “affiliate” or an “insider” of a debtor in another case, as those terms are defined in 11 U.S.C. § 101.

**(c) Sequential Cases:** If the debtor has filed a bankruptcy case in the previous eight years, the Clerk may reassign the case to the judge to whom the previous bankruptcy case was assigned.

## **Commentary**

[Source: GPO 1996-1, 3<sup>rd</sup> Amended]

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**LOCAL BANKRUPTCY RULE 2002-1**  
**NOTICE TO CREDITORS & OTHER INTERESTED PARTIES**

**(a) Who Must Give Notice:** Unless otherwise ordered, the movant or applicant must give the notices required by FED. R. BANKR. P. 2002.

**(b) Content of Notice:** Notices must:

- (1) be in substantial conformity with [L.B. Form 9013-1.1](#);
- (2) contain a specific statement describing the requested relief or intended action to be taken, in sufficient detail to meaningfully inform the parties receiving the notice;
- (3) contain the specific date of the deadline to object and request a hearing, not just the number of days, which must be a date on which the court is scheduled to be open for business; and
- (4) comply with FED. R. BANKR. P. 2002(c).

**(c) Creditor Address Mailing Matrix:** For notice to all creditors and parties in interest, the movant must use, at a minimum, all of the addresses contained on the most current version of the Creditor Address Mailing Matrix.

**(d) Designation of Preferred Creditor Addresses:** The court designates any entity approved by the Administrative Office of the United States Courts as a notice provider to support the preferred address requirements under U.S.C. § 342(f) and FED. R. BANKR. P. 2002(g)(4).

**Commentary**

[Source: L.B.R. 202 and T.L.B.R. 2002-1]

See L.B.R. 1007-2App for Instructions Regarding Creditor Address Mailing Matrix.

In addition to the FED. R. BANKR. P., the mechanism for bringing motions before the court, providing notice and effecting service is set out in L.B.R. 9013-1.

Parties are advised to be mindful of the distinction between notice (as required for parties covered by FED. R. BANKR. P. 2002) and service (as required for parties against whom relief is sought and as described in L.B.R. 9013-1 and other FED. R. BANKR. P., including Rules 9014 and 7004).

Parties seeking expedited hearings on motions brought immediately after the filing of a chapter 11 petition should refer to L.B.R. 2081-1.

**LOCAL BANKRUPTCY RULE 2003-1**  
**MEETING OF CREDITORS & EQUITY SECURITY HOLDERS**

**(a) Debtor's Request for Continuance of 11 U.S.C. § 341 Meeting of Creditors Prior to Scheduled Meeting:** A debtor's request for a continuance of the meeting of creditors must be in writing and served on the appropriate trustee no less than seven (7) days prior to the date and time of the scheduled meeting. A request for a continuance is not filed with the court. If a trustee consents to the continuance, the debtor must immediately file a notice of continued meeting with the court, serve a copy of the notice on the trustee and all creditors and parties in interest, and file a certificate of service with the court evidencing same.

**(b) Continuance of 11 U.S.C. § 341 Meeting of Creditors At the Scheduled Meeting:** In the event an 11 U.S.C. § 341 meeting of creditors is continued at the scheduled meeting, no later than three (3) court days following the date first set for the meeting of creditors or any subsequent continued meeting date, the chapter 7 trustee or chapter 13 trustee, as applicable, must file an electronic docket entry indicating that the meeting is continued and the date and time of the continued meeting.

**(c) Continuance of §§ 522, 523 and 727 Deadlines:** A continuance of the meeting of creditors does not automatically continue the deadline to object to the debtor's claim of exemptions, the discharge of a debtor in a Chapter 7 or the dischargeability of a particular debt owed by the debtor in either Chapter 7 or Chapter 13. Extensions of these deadlines must be requested by timely motion and require the entry of an order.

**Commentary**

[Source: L.B.R. 203 and GPO 2006-3]

The purpose of L.B.R. 2003-1 is to assist in the appropriate administration of chapter 7 and chapter 13 cases. It is imperative for the court's docket sheet to clearly reflect all continued meetings of creditors and the date to which the meeting is continued.

**LOCAL BANKRUPTCY RULE 2004-1**  
**DEPOSITIONS & EXAMINATIONS**

**(a) Ex Parte Application:** An order for examination pursuant to FED. R. BANKR. P. 2004 may be issued by the court on the ex parte application of a party in interest. The moving party must file an appropriate motion together with a proposed order. Such proposed order may not contain provisions in substitution of a subpoena or subpoena duces tecum available pursuant to FED. R. BANKR. P. 45.

**(b) Time:** Unless otherwise ordered by the court for good cause shown, the date for the examination or production of documents sought must be not less than fourteen (14) days after service, by the movant, of the examination order on the party to whom it is directed.



## Commentary

[Source: L.B.R. 204]

Large document production requests on a fourteen (14) day notice of deposition are not favored. It is good practice for the parties to discuss the dates, times and locations of the requested exam prior to submitting a request to the court, and to indicate any agreement or lack of agreement in the motion.

### **LOCAL BANKRUPTCY RULE 2012-1 NOTICE OF SUBSTITUTION OF TRUSTEE AND NOTICE OF SUCCESSOR TRUSTEE'S ACCOUNTING**

**(a) Chapter 11 Trustee:** Promptly after a trustee or successor trustee is appointed in a chapter 11 case, the trustee must file and serve notice of such appointment on all creditors and parties in interest, and to such other parties as the court may direct, in each pending action, proceeding or matter.

**(b) Accounting:** When a successor trustee files with the court an accounting of a prior administration of the estate pursuant to FED. R. BANKR. P. 2012(b), such accounting must reflect the collection or disbursement of receipts by the prior trustee. The successor trustee must send notice of the filing of the accounting to all creditors and parties in interest in the case, including the prior trustee, unless the court otherwise orders for good cause shown.

## Commentary

[Source: L.B.R. 212]

### **LOCAL BANKRUPTCY RULE 2014-1 APPOINTMENT OF PROFESSIONAL PERSONS**

**(a) Ex Parte Application:** Subject to the limitations of FED. R. BANKR. P. 6003, applications for appointment of professional persons pursuant to FED. R. BANKR. P. 2014 and 11 U.S.C. § 327 may be granted nunc pro tunc to a date prior to the date of the order authorizing the engagement.

**(b) Applications Requiring Notice:** The court may require the applicant to mail notice of the application pursuant to L.B.R. 9013-1, or as otherwise directed by the court, particularly when any of the following events or conditions are present:

- (1) The professional receives or proposes to receive payment of a retainer in connection with a bankruptcy case and approval of the retainer is sought in the

same application seeking appointment of the professional. In such cases, the application and notice must state:

- (A) the amount of any retainer received or proposed;
  - (B) the source of the payment or retainer; and
  - (C) whether the professional's fees are paid by a principal, insider, or affiliate of the debtor.
- (2) The professional files an application for retention which identifies a potential conflict may exist. In such cases, the application and notice must state sufficient facts for third parties to determine whether a conflict of interest exists, including whether the professional represented the debtor pre-petition.
- (3) The professional's retainer or other fees have been, or will be, paid by a third-party payor.
- (4) The professional represents multiple debtors in related or jointly-administered cases.
- (5) The professional proposes to be paid under non-traditional compensation arrangements (*e.g.* flat fee agreement or contingency fee agreement).
- (6) The professional asserts a lien on the debtor's property.

**(c) Verified Statement:** A verified statement pursuant to FED. R. BANKR. P. 2014 is required. When notice of the application is required, a copy of the verified statement filed pursuant to FED. R. BANKR. P. 2014 must be attached to the notice.

### **Commentary**

[Source: L.B.R. 214]

## **LOCAL BANKRUPTCY RULE 2015-1 REPORTS**

Any report of operations that the court or the United States Trustee may require the trustee or the debtor-in-possession to file in a case under any chapter of the Bankruptcy Code must be filed with the court within the time frames established by FED. R. BANKR. P. 2015 or the United States Trustee. Copies of such reports must be provided to the trustee, United States Trustee, and any committee pursuant to L.B.R. 2081-2(b).

## Commentary

[Source: L.B.R. 215(a)]

See 11 U.S.C. §§ 704(a)(8) or 1106(a)(7).

See also the United States Trustee's Operating Guidelines and Reporting Requirements for that office's filing requirements at [www.usdoj.gov](http://www.usdoj.gov). This L.B.R. does not relieve the trustee or debtor-in-possession from the obligation to act in accordance with those guidelines.

See also L.B.R. 3022-1 for more information on the filing of a final report and motion for final decree in chapter 11 cases.

### LOCAL BANKRUPTCY RULE 2016-1 COMPENSATION OF PROFESSIONALS

**(a) Form of Fee Application:** Except for those applying for fees pursuant to L.B.R. 2016-3, every fee application filed pursuant to 11 U.S.C. §§ 330 or 331 must include a cover sheet in substantial conformity with [L.B. Form 2016-1.1](#) and contain the following information:

**(1) Introduction:** The introductory statement must contain a general statement of the status of the case and include the information required on [L.B. Form 2016-1.1](#).

**(2) Narrative by Category:** The professional fee application must contain a narrative that describes the work performed divided into categories of major/significant services. Within each category, the narrative must describe:

- (A) the nature of the services,
- (B) the result obtained,
- (C) the benefit to the estate,
- (D) a general description of what additional work remains to be done with respect to the matter,
- (E) a statement of the number of hours spent on the particular matter and by whom, and
- (F) the portion of the total fee applicable to the particular category.

**(3) Time Entries:**

**(A) Generally:** The narrative description must refer to a separate exhibit containing copies of detailed time entries from records contemporaneously kept by the applicant which support the fee sought with respect to each particular matter or category, including the date the work was performed, the individual performing the work, the time spent on each task (expressed

in tenths of hours), the total fee for each task, and a detailed description of the work performed.

**(B) Jointly-Administered Cases:** In jointly-administered cases, the narrative must also provide a description of the overall work done in each case, as applicable, and provide the court with an approximate percentage of the time spent on each case.

**(4) Record of Expenses:** The applicant should retain cost/expense invoices or documentation for amounts over \$25 for possible review by the court.

### **Commentary**

[Source: L.B.R. 216]

## **LOCAL BANKRUPTCY RULE 2016-2 INTERIM COMPENSATION PROCEDURES IN CHAPTER 11 CASES**

**(a) Motions for Interim Compensation Procedures:** A motion seeking approval of interim compensation procedures in a chapter 11 case must include the following:

- (1) a statement of the cause necessitating interim compensation procedures;
- (2) verification that the debtor's cash flow allows it to pay its professionals and other potential administrative priority claimants on a monthly or other specified interim basis;
- (3) a projection of monthly fees and expenses by the professional(s) seeking interim compensation; and
- (4) any additional information necessary and appropriate to support the allowance of interim compensation.

**(b) Interim Compensation Procedures:** The court may approve interim compensation procedures in appropriate cases and utilize the established guidelines for professionals seeking approval of interim compensation or other procedures directed by the court. The guidelines are located at L.B.R. 2016-2App.

### **Commentary**

[Source: New]

**LOCAL BANKRUPTCY RULE 2016-3**  
**COMPENSATION OF CHAPTER 13 DEBTOR'S COUNSEL**

**(a) Short Form Fee Application:**

**(1) Eligibility:** In order to be eligible to use the Short Form Fee Application (the “SFFA”) procedure, the applicant must:

- (A) request a fee that is at or below the presumptively reasonable fee (the “PRF”) amount provided in the General Procedure Order published by the Clerk, In the Matter of Procedures for Fee Applications in Chapter 13 Cases, as amended from time to time (the “Chapter 13 Fee GPO”), and
- (B) provide the basic services listed in the Chapter 13 Fee GPO (the “Basic Services”), as necessary and appropriate.

**(2) Presumptively Reasonable Fee:** The chapter 13 trustee may recommend or the court may determine, in appropriate cases, that a lower fee be allowed. In converted cases, the chapter 13 trustee and the court will take into consideration the compensation already received.

**(3) Basic Services:** The applicant must submit an affirmative declaration, in conjunction with the filing of the SFFA, that:

- (A) the applicant is not excluding any of the Basic Services; and
- (B) the applicant has provided a copy of the Basic Services list to the debtor with the engagement letter or fee agreement.

**(4) Form of Application:** Applications for allowance of fees and reimbursement of expenses pursuant to the SFFA procedure must be made using [L.B. Form 2016-3.1](#). Applicant need not supplement [L.B. Form 2016-3.1](#), except upon formal objection, written request of the chapter 13 trustee, or order by the court.

**(5) Service, Notice and Objections:** Debtor’s counsel must serve a copy of the SFFA, [L.B. Form 2016-3.1](#), along with a notice in substantial conformity with [L.B. Form 2016-3.3](#), on the chapter 13 trustee, debtor and those parties requesting notice. Parties will have twenty-one (21) days from the mailing of the notice within which to file an objection.

**(b) Long Form Fee Application:** If the applicant requests allowance of a fee in excess of the PRF amount (not including expenses) or any of the Basic Services are excluded, the attorney cannot use the SFFA procedure and must use the Long Form Fee Application (the “LFFA”) procedure.

**(1) Form of Applications:** Applications for allowance of fees and reimbursement of expenses pursuant to the LFFA procedure must be made using [L.B. Form 2016-3.2](#), and must be supplemented by the attachments outlined in [L.B. Form 2016-3.2](#).

**(2) Service, Notice and Objections:** Debtor's counsel must serve a copy of the LFFA, [L.B. Form 2016-3.2](#), along with a notice in substantial conformity with [L.B. Form 2016-3.3](#), on the chapter 13 trustee, the debtor and those parties requesting notice. The notice, without the LFFA form, must be served on all other creditors, claimants and parties in interest. Parties will have twenty-one (21) days from the mailing of the notice within which to file an objection.

**(c) Timing:** Fee applications under both the SFFA and LFFA must be filed no sooner than the date of entry of the order confirming the chapter 13 plan and no later than fourteen (14) days after the date of entry of the order confirming the chapter 13 plan.

**(d) Order:** The attorney must submit a form of order in substantial conformity with [L.B. Form 2016-3.4](#), listing the specific amount of fees and expenses requested, the amount received outside of the plan or previously paid, and the amount payable from plan payments.

**(e) Hearing:** If no objection is filed, the court may allow the requested fee in full or in part, upon the filing of a Certificate of Noncontested Matter in substantial conformity with [L.B. Form 9013-1.3](#), or may order further supplementation or set the application for hearing. Any order or notice setting a hearing on an unopposed application may identify the court's concerns or questions regarding inadequacies or deficiencies in the application which may result in reduction or disallowance of the requested fees or expenses. If an objection is filed, the applicant is responsible for filing a Certificate of Contested Matter and Request for Hearing in substantial conformity with [L.B. Form 9013-1.4](#). Upon the filing of the Certificate of Contested Matter, the court may set the matter for hearing.

### Commentary

[Source - GPO 2007-2, as amended and, as may be amended from time to time by subsequent Chapter 13 Fee GPO]

When requesting fees using the SFFA procedure, attorneys are not required to submit their engagement letter or other fee agreement, detailed time slips, or a narrative unless requested by the trustee or otherwise ordered by the court. However, attorneys are advised that if their fees are questioned, it may be quite difficult to prevail without the assistance of some or all of those items.

It is expected that the engagement will last through the earlier of consummation of the plan, entry of discharge, or the conversion or dismissal of the case. The SFFA procedure is for requesting fees and is not intended to limit the scope of chapter 13 engagements. The SFFA process does not and should not limit the ability of debtor's attorneys to

provide services post-confirmation. The court will entertain further fee applications, supported by time records, for post-confirmation work.

#### **LOCAL BANKRUPTCY RULE 2016-4 COMPENSATION OF PETITION PREPARERS**

**Disclosure of Compensation of Petition Preparer:** Every person or entity who prepares a petition and/or related papers for filing a case for the debtor, but does not represent the debtor as an attorney of record, must file with the petition and concurrently transmit to the United States Trustee and trustee assigned to the case, a disclosure of compensation in substantial conformity with the Disclosure of Compensation of Bankruptcy Petition Preparer, Director's Procedural Form 280.

#### **Commentary**

[Source: L.B.R. 216]

#### **LOCAL BANKRUPTCY RULE 2018-1 INTERVENTION BY UNITED STATES OR A STATE ON CONSTITUTIONAL QUESTION**

**(a) Acts of Congress:** If, in any case or proceeding in which neither the United States nor any agency, officer, or employee thereof (other than the United States Trustee) is a party, a party raises a question concerning the constitutionality of any act of Congress affecting the public interest, such party must notify the judge by filing a motion with the court, with a copy to the United States Trustee and the United States Attorney, of the existence of the question, identifying the statute in question, the grounds upon which it is claimed to be unconstitutional, and the title of the case and/or proceeding.

**(b) State Statutes:** If, in any proceeding in which neither a state nor any agency, officer, or employee thereof is a party, a party raises a question concerning the constitutionality of a statute of such state affecting the public interest, such party must notify the judge by filing a motion with the court, with a copy to the United States Trustee and the state Attorney General, of the existence of the question, identifying the statute in question, the grounds upon which it is claimed to be unconstitutional, and the title of the case and/or proceeding.

**(c) Applicability:** This rule applies to all matters brought before the court, including those governed by FED. R. BANKR. P. 7001 et seq. and 9014. In an adversary proceeding, the question of constitutionality must be raised by motion and notice given to appropriate parties no later than the deadline for completion of discovery.

## Commentary

[Source: L.B.R. 218]

See 28 U.S.C. § 2403(a) and (b).

This rule applies to both the main bankruptcy case and adversary proceedings.

### LOCAL BANKRUPTCY RULE 2081-1 CHAPTER 11–INITIAL MOTIONS

**(a) Initial Motions:** During the first twenty-one (21) days following entry of the Order for Relief, the debtor may obtain expedited consideration for entry of orders by filing a Motion Seeking Expedited Entry of Order(s) and Notice of Impending Hearing Thereon (the “Motion”) as follows:

**(1) Motion:** The Motion must contain sufficient factual recitations regarding the nature of the debtor’s business and the need for the types of relief sought. The Motion need not be accompanied by briefs or authorities. The movant must certify that the relief sought by the Motion is needed by the debtor on an expedited basis. If the Motion requests more than one (1) order, the motion must separately identify and discuss each requested relief or intended action.

**(2) Cover sheet:** The Motion must be accompanied by a cover sheet in substantial conformity with [L.B. Form 2081-1.1](#).

**(3) Affidavits:** The Motion must be accompanied by one or more factual affidavits by a representative of the movant or executed by an individual having personal knowledge of the facts therein supporting the requested relief.

**(4) Notice:** The Motion must be accompanied by a notice in substantial conformity with [L.B. Form 2081-1.2](#) and a copy of a response form in substantial conformity with [L.B. Form 2081-1.3](#).

**(5) Proposed Order:** The Movant must file a proposed order for each type of requested relief. The proposed order must clearly state the relief requested, but should not contain proposed findings of fact or conclusions of law.



**(b) Service of the Motion:**

**(1) Service on the United States Trustee:** A copy of the Motion, cover sheet, affidavits, notice, and proposed orders must be hand-delivered or e-mailed to the United States Trustee, either before or within four (4) hours after the Motion is filed.

**(2) Service on other parties:** A copy of the Motion, cover sheet, affidavits, notice, and proposed orders must be served by hand-delivery, over-night mail, facsimile or e-mail initiated on the day the Motion is filed, to:

- (A) any appointed chapter 11 trustee or examiner,
- (B) any creditors' or equity security holders' committee pursuant to L.B.R. 2081-2,
- (C) if there is no committee, the 20 largest unsecured creditors,
- (D) any indenture trustee,
- (E) the IRS and other relevant government entities,
- (F) all parties who have requested notice, and
- (G) any party whose interest in property of the estate will be directly affected by any order requested.

**(c) Hearing:**

**(1) Scheduling the Hearing:** The chambers of the judge assigned to the case will provide movant's counsel with a hearing date to be held that is, if possible, not more than three (3) court days after the date of the filing of the Motion. For purposes of this hearing only, if the judge's calendar cannot be arranged to accommodate a hearing within three court days, the judge's staff will notify the Clerk of the court who may refer the matter to any other available judge.

**(2) Service of Notice of Hearing:** As soon as the movant is notified of the hearing date, the movant must serve notice of the date and time of the hearing in substantial conformity with [L.B. Form 2081-1.4](#) to:

- (A) the United States Trustee;
- (B) any creditors' or equity security holders' committee pursuant to L.B.R. 2081-2. If no creditors' committee has been appointed, the twenty (20) largest unsecured creditors;
- (C) any party whose interest in property of the estate will be directly affected by any order requested; and
- (D) those parties who have requested notice in the case or those who have responded to the Motion on [L.B. Form 2081-1.3](#).

The movant must notify each of the above of the date, time and place of the hearing by e-mail or facsimile, as requested in such party's response, within the later of: (i) four (4) hours after movant receives responder's request for notice, or

(ii) four (4) hours of being notified by the court of the date and time of the hearing. To the extent that time and circumstances permit, the movant must also give notice of the date, time and place of the hearing to other parties in interest identified in subparagraph (b)(2) above.

**(3) Proof of Service:** The debtor must file an affidavit of compliance with the service requirements of this L.B.R. prior to the commencement of any hearing pursuant to this L.B.R.

**(4) Objections:** Parties may file an objection in writing prior to the hearing and/or may appear at the hearing to state or supplement their objection orally.

**(5) Procedure at Hearing:** At any hearing set pursuant to this L.B.R., the parties will proceed in accordance with the Federal Rules of Bankruptcy Procedure and the Federal Rules of Evidence. The movant must be prepared to present evidence in support of its Motion. Any unopposed request may be granted in the court's discretion on the basis of affidavits, arguments, or representations of the parties or counsel, as appropriate.

**(d) Orders:** At the conclusion of any hearing held pursuant to this L.B.R., the court will make such findings of fact only as are supported by the record and will:

(1) enter or deny any or all of the orders requested,

(2) enter any or all of the orders requested on an interim basis pending such additional notice as the FED. R. BANKR. P. or the court may direct, and/or

(3) continue the hearing with respect to any or all of the orders requested. Only interim orders will be entered pursuant to this L.B.R. respecting cash collateral or post-petition financing.

**(e) Other Expedited Relief:** The availability of expedited consideration of motions under this L.B.R. will not preclude ex parte relief or other emergency relief where appropriate upon specific request.

### **Commentary**

[Source: GPO 2002-6]

See L.B. [Forms 2081-1.1](#) through [2081-1.4](#).

**LOCAL BANKRUPTCY RULE 2081-2**  
**CHAPTER 11–CERTAIN NOTICES**

**(a) Notice to Twenty Largest Unsecured Creditors:** If notice to the twenty (20) largest unsecured creditors is required, and there are less than 20 unsecured creditors of the estate, the certificate of service must indicate that all unsecured creditors were noticed.

**(b) Notice on Committees:** If notice to a creditors' or equity security holders' committee is required, notice must be made on the committee's counsel. If the committee has no counsel of record, notice must be made upon all members of the committee.

**(c) Limited Notice List:** A chapter 11 debtor may file a motion to establish a limited notice list.

**(1) Motion:** A motion seeking a limited notice list must include the following:

- (A) a statement of the cause necessitating a limited notice list;
- (B) the types of pleadings the limited notice list will apply to (i.e. limited notice on one pleading or throughout the remainder of the case); and
- (C) the names of the creditors and parties the debtor seeks to place on the limited notice list.

**(2) Minimum Requirement:** Unless otherwise ordered, a limited notice list must include the following:

- (1) the United States Trustee,
  - (2) any appointed chapter 11 trustee or examiner,
  - (3) any appointed creditors' or equity security holders' committee,
  - (4) if there is no committee, the 20 largest unsecured creditors,
  - (5) all secured creditors (Schedule D),
  - (6) all priority creditors (Schedule E),
  - (7) those parties who have filed an entry of appearance and request for all notices,
  - (8) parties against whom relief is sought by the particular intended action,
- and
- (9) any additional parties as directed by the court.

**Commentary**

[Source: New.]

This rule does not eliminate the need for notice pursuant to the code and the rules. Use of the Limited Notice List is not effective until an order is entered by the court. See L.B.R. 1015-1 regarding comprehensive service lists and motions in jointly-administered cases.

Motions applying to less than all of the jointly-administered cases are to be filed in the lead case.

**LOCAL BANKRUPTCY RULE 2081-3**  
**CHAPTER 11– MOTIONS TO DISMISS OR CONVERT**

**(a) Applicability:** This rule applies to motions to dismiss or convert a chapter 11 case pursuant to 11 U.S.C. § 1112.

**(b) Selecting a Hearing Date:** Each division of the court maintains a chapter 11 dismissal motion calendar. Information as to the time and dates of each division's calendar may be obtained from the court's website at [www.cob.uscourts.gov](http://www.cob.uscourts.gov) or the assigned judge's staff. All dismissal motions must be set for hearing on the calendar of the division to which the case is assigned.

**(1) Notice Period:** Pursuant to FED. R. BANKR. P. 9006(c), the court finds cause exists to shorten the time to object to fourteen (14) days.

**(2) Hearing Date:** A party filing a dismissal motion in a pending chapter 11 case must select from the calendar of available hearing dates a proposed hearing date, which must be the latest hearing date available on the assigned judge's calendar which is not more than thirty (30) days from the date the dismissal motion is filed with the court. In the event the movant sets a hearing date beyond thirty (30) days, the movant is deemed to have waived its right under 11 U.S.C. § 1112(b)(3) to a hearing within thirty (30) days and a decision within fifteen (15) days of the commencement of the hearing.

**(3) Notice of Hearing:** Subject to the time limitations set forth in subsections (1) and (2) above, the movant must comply with the provisions of L.B.R. 9013-1. The notice of hearing must specify the following:

- (A) the hearing date, time and location;
- (B) that an objection and request for hearing must be filed by a date certain that is at least fourteen (14) days after notice of the motion; and
- (C) that, if no objection is timely filed, the requested relief in the motion may enter without a hearing, upon the filing of a certificate of non-contested matter.

**(4) Notice:** The notice and motion must be served on the debtor, the debtor's counsel, the United States Trustee, any case trustee and those requesting notice. The notice must also be mailed to all creditors and parties in interest.

**(c) Procedures for Preliminary Hearings:** The following procedures apply at preliminary hearings on motions to dismiss:

(1) No testimony will be taken. Evidence will only be accepted by way of an oral offer of proof and exhibits. Such offers must provide sufficient detail to enable the court to make specific findings based thereon and must include the identity of the witnesses available to testify at an evidentiary hearing and an explanation of their expected testimony. Written summaries of witnesses' testimony are not required but may be submitted.

(2) Parties must exchange all exhibits they intend to use, or may reasonably anticipate using, 24 hours prior to the preliminary hearing. The exhibits must be tendered to the court at the hearing, together with a statement identifying the witness or witnesses who would be called to identify and lay the foundation for the introduction of such exhibits.

(3) Objections to tendered evidence should be made at the conclusion of each party's declaration. Any objection must identify the evidence objected to and specify the grounds for the objection.

(4) The court will treat the hearing as a preliminary hearing and, based on the proffers of evidence, if the movant establishes sufficient cause, may set the matter over for a final hearing. In the alternative, the court may consider the offers of proof and, absent the need for an evidentiary hearing, grant or deny the request for dismissal.

(5) Expert Witnesses: Any party anticipating the use of an expert witness for a final hearing will, at the preliminary hearing, comply with FED. R. BANKR. P. 7026(a)(2).

**(d) Telephonic Hearings:** Parties, through counsel, are required to attend the hearing in person except on prior request and approval of a telephonic appearance by the judge to whom the case is assigned. Telephonic appearances must be requested by filing a motion. If a telephonic appearance is permitted, the parties must exchange witness lists and exhibits and file them with the court no later than 24 hours prior to the hearing.

**(e) Waiver of 30 Day Hearing:** In the event that the movant does not select a hearing date pursuant to sub-section (b), movant must follow the motion practice procedures set forth in L.B.R. 9013-1, and comply with the notice period as directed by FED. R. BANKR. P. 2002(a)(4). Using the L.B.R. 9013-1 procedures constitutes a waiver by the movant of the hearing and ruling time requirements of 11 U.S.C. § 1112(b)(3).

### **Commentary**

[Source: GPO 2007-1]

See L.B.R. 1017-1, 2, and 3 for other local rules on conversion and dismissal.  
See also L.B.R. 9070-1 for information on witnesses and exhibits.

Selecting a hearing date is intended to make it possible for the parties and the court to comply with the notice requirements of FED. R. BANKR. P. 2002(a)(4) and the hearing requirements of 11 U.S.C. § 1112(b)(3). In order to best comply with the Bankruptcy Code, the court has found cause to shorten the notice period for self-calendared motions pursuant to FED. R. BANKR. P. 9006(c).

## **LOCAL BANKRUPTCY RULE 2082-1**

### **CHAPTER 12 – GENERAL**

#### **(a) Motion to Confirm and Order Confirming Chapter 12 Plan:**

**(1) Motion to Confirm:** The debtor must file with the plan a motion to confirm in substantial conformity with [L.B. Form 2082-1.1](#). This motion must be verified by the debtor and served on the chapter 12 trustee and all creditors and parties in interest. The motion must contain facts sufficient to enable the court to make appropriate findings in accordance with the requirements of chapter 12.

**(2) Order of Confirmation:** The proposed order of confirmation must be in substantial conformity with [L.B. Form 2082-1.2](#), and must be prepared by the debtor and filed with the plan. Notice of entry thereof shall be mailed promptly by the clerk, or some other entity as the court may direct, to the debtor, chapter 12 trustee, all creditors, equity security holders, and other parties in interest.

#### **(b) Notice and Hearing on Motion to Confirm Chapter 12 Plan:**

**(1) Contested Matter:** Hearings on motions to confirm Chapter 12 plans are contested matters subject to FED. R. BANKR. P. 9014 and the service requirements of FED. R. BANKR. P. 7004.

##### **(2) Notice:**

**(A) Form and Service:** The debtor must prepare a notice in substantial conformity with [L.B. Form 2082-1.3](#), and must serve a copy of the notice, the motion to confirm, and the plan on the chapter 12 trustee and all creditors and parties in interest.

**(B) Contents:** The notice must contain the date for the confirmation hearing and the date for filing objections to the plan. At the time the plan is filed the debtor must obtain from the court the date for the hearing on confirmation of the plan. Unless the court fixes a shorter period, notice of the hearing must be given not less than twenty-one (21) days prior to the hearing.

**(C) Certificate of Service:** The debtor must file a copy of the notice with the court within three (3) court days after service thereof, and must file with it a certificate of service showing compliance with this L.B.R.

**(3) Objections:** Objections to confirmation of the plan must be filed with the court and served on the debtor, the chapter 12 trustee, and on any other entity designated by the court, at least three (3) court days prior to the hearing or within such other time as may be fixed by the court. Objections must clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. General objections will not be considered.

**(4) Hearing:**

(A) If no objection to confirmation is timely filed, the court, at the hearing on confirmation, may determine that the plan has been proposed in good faith and not by any means forbidden by law without receiving evidence on those issues. The court may enter an order confirming the plan, if it otherwise meets the requirements of 11 U.S.C. 1222 and 1225, based on such evidence and/or representations as are sufficient to the court.

(B) If objections to confirmation are filed, the court will use the hearing on confirmation as a preliminary hearing and status conference for the purposes of

- (i) framing the issues to be heard at the final hearing on confirmation,
- (ii) the entry of orders pertaining to discovery,
- (iii) the setting of the final hearing on the confirmation of the plan, and
- (iv) the entry of such other orders pertaining to the debtor's motion to confirm as are appropriate.

(C) No evidence will be taken and no witnesses need appear at the first hearing on confirmation.

(D) In accordance with 11 U.S.C. § 1224, except for cause, the hearing must be concluded not later than forty-five (45) days after the filing of the plan.

**(c) Amending a Chapter 12 Plan Prior to Confirmation:** In the event the debtor amends the original chapter 12 plan prior to confirmation, the amended plan, and such notice as the court may order, must be served upon the chapter 12 trustee and all creditors and parties in interest, or as otherwise ordered by the court. If the plan is amended after the filing of a motion to confirm, a new motion to confirm, verified by the debtor and conforming to the amended plan, must be filed. A motion to confirm an amended plan

acts as a notice of withdrawal of, or a motion to withdraw, any previously filed motion to confirm and must be subject to FED. R. BANKR. P. 7041.

**(d) Modification of Chapter 12 Plan After Confirmation:** In the event the debtor, the trustee, or the holder of an allowed unsecured claim desires to modify a confirmed chapter 12 plan, the movant must file the proposed modified plan together with a motion requesting modification which must state with particularity the date the plan was originally confirmed, the reason for the modification and the effect upon distribution to each creditor class should the modification be approved. If the modification is proposed after the expiration of the period for the filing of claims, service may be limited to the trustee, any party expressly affected by the modification and upon those creditors who have filed proofs of claims.

### **Commentary**

[Source: L.B.R. 320, L.B.R. 319]

## **LOCAL BANKRUPTCY RULE 2083-1**

### **CHAPTER 13 – GENERAL**

#### **(Preconfirmation Adequate Protection Payments on Personal Property)**

**(a) Preconfirmation Payments Pursuant to 11 U.S.C. § 1326(a)(1):** Unless otherwise ordered by the court, all preconfirmation adequate protection payments made by the debtor pursuant to 11 U.S.C. § 1326(a)(1) must be paid to the chapter 13 trustee, not the secured claimant. The preconfirmation plan payments to the trustee must include the amount required under 11 U.S.C. § 1326(a)(1), plus the necessary trustee's fee.

**(b) Calculation of Adequate Protection:** For the purpose of this rule, calculation of adequate protection is calculated as one percent (1%) of the outstanding principal balance due as of the date of the filing of the petition, unless otherwise ordered by the court.

**(c) Creditor's Rights:** Payment of preconfirmation adequate protection is without prejudice to the secured creditor's right to object to confirmation of the debtor's plan or to seek determination as to the value of the claim or the amount needed to provide adequate protection.

**(d) Preconfirmation Disbursements:** Preconfirmation disbursements by the chapter 13 trustee under 11 U.S.C. § 1326(a)(1) are hereby authorized without further order, but such disbursements must not be made unless such creditor has filed a proof of claim with the court. Preconfirmation disbursements under 11 U.S.C. § 1326(a)(1) must commence within 30 days of filing the proof of claim, unless the trustee has not received sufficient or good funds to make such payment. The trustee is authorized to deduct all 11 U.S.C. § 1326(a)(1) preconfirmation disbursements from an allowed claim and to retain the amount necessary to pay the trustee's statutory fee based upon the preconfirmation payments distributed by the trustee.



## **Commentary**

[Source: T.L.B.R. 2083-1.]

See L.B.R. 3015-1 and [L.B. Form 3015-1](#) for information on filing a chapter 13 plan.

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**LOCAL BANKRUPTCY RULE 3001-1**  
**CLAIMS AND EQUITY SECURITY INTERESTS – GENERAL**

See FED. R. BANKR. P. 3001(e)(2) and Director's Procedural Forms 210A and 210B regarding the transfer of a claim other than for security after the proof of claim has been filed.

**Commentary**

[Source: New.]

**LOCAL BANKRUPTCY RULE 3003-1**  
**FILING PROOF OF CLAIM IN CHAPTER 11 CASE**

Subject to 11 U.S.C. § 726(a)(1), upon motion for an order establishing procedures and a bar date for the filing of proofs of claim in chapter 11 cases or for a bar date for filing motions for allowance of chapter 11 administrative expense claims, the court may issue an order and require notice in substantial conformity with [L.B. Forms 3003-1.1](#) through [3003-1.4](#), respectively.

**Commentary**

[Source: New.]

**LOCAL BANKRUPTCY RULE 3004-1**  
**FILING OF PROOF OF CLAIM BY DEBTOR OR TRUSTEE**

A debtor or trustee filing a proof of claim on behalf of a creditor pursuant to 11 U.S.C. § 501(c) and FED. R. BANKR. P. 3004 must file and serve a notice of the filing upon the creditor on whose behalf the claim is filed. The notice must be in substantial conformity with [L.B. Form 3004.1.1](#), and be sent to the creditor, its counsel of record, if any, the debtor and case trustee. The party filing the proof of claim must attach a copy of the proof of claim with the notice.

**Commentary**

[Source: L.B.R. 304]

**LOCAL BANKRUPTCY RULE 3005-1**  
**FILING OF PROOF OF CLAIM BY GUARANTOR, SURETY, INDORSER OR**  
**OTHER CO-DEBTOR**

When an entity or its attorney files a proof of claim on behalf of a creditor pursuant to 11 U.S.C. § 501(b) and FED. R. BANKR. P. 3005, the person filing the claim must comply with the procedure set forth in L.B.R. 3004-1. In addition to the parties required to be served in L.B. R. 3004-1, the notice must also be provided to any other obligors.

**Commentary**

[Source: L.B.R. 305]

**LOCAL BANKRUPTCY RULE 3007-1**  
**OBJECTIONS TO CLAIMS**

**(a) Procedure for Objections:** Any party objecting to the allowance of any claim must file an objection stating with particularity the allegations of fact and grounds for the objection. The objection must comply with and be prosecuted in the manner prescribed in FED. R. BANKR. P. 3007 and L.B.R. 9013-1.

**(b) Trustee's Objections to Claims in Chapter 13 Cases:**

(1) As soon as practicable after the expiration of the last day for filing of claims in each case, the chapter 13 trustee must submit a report of claims to the debtor and debtor's attorney. The chapter 13 trustee must file a certificate of compliance with this L.B.R.

(2) Within fourteen (14) days from the date of the chapter 13 trustee's report of claims is submitted, the debtor must file with the chapter 13 trustee a written response to the report, setting forth any grounds for objections to claims. The debtor's failure to make and file the response constitutes a waiver of all objections thereto, provided, however, that for good cause shown, the court may relieve the debtor from the effects of this L.B.R. to prevent manifest injustice.

(3) If the debtor's response to the chapter 13 trustee's report of claims includes objections to the allowance, amount, or classification of any of the claims filed, the chapter 13 trustee or the debtor may file an objection to such claims and give notice thereof as specified in subsection (a), above;

(4) In addition to the foregoing procedures, it is the chapter 13 trustee's and debtor's attorney's duty to examine all proofs of claims and, if appropriate, to file objections in the manner specified in subsection (a), above.

## Commentary

[Source: L.B.R. 307]

### LOCAL BANKRUPTCY RULE 3012-1 VALUATION OF COLLATERAL AND DETERMINATION OF SECURED STATUS PURSUANT TO 11 U.S.C. § 506

#### (a) Real Property:

**(1) How Raised:** A debtor's request for the valuation of real property and determination of secured status under 11 U.S.C. § 506 must be made by separate motion and referenced within the proposed plan. A separate adversary proceeding is not required.

**(2) Required Information:** The motion must include the name of the creditor, a description of the collateral, amount of debt owed to the creditor, and the debtor's contention of value of the collateral. The motion must also include the amounts owed to other senior lienholders. The description of collateral must include a legal description of the affected real property and any identifying information with respect to the affected mortgage lien, including the date of the deed of trust, recording date, county, book and page or reception number of the recording.

**(3) Service:** The debtor must serve creditors affected by the debtor's valuation of collateral in the manner specified in FED. R. BANKR. P. 9014 and 7004.

**(4) Notice:** Notice of the motion is governed by L.B.R. 9013-1.

**(5) Objections:** Objections to the motion must recite the basis of the objection, including the amount and basis of the alternative value proposed by the objector. In the absence of a written objection, the valuation asserted by the debtor will be accepted by the court and shall be used in the court's determination of the amounts to be distributed under the plan. Objections to the plan proposing treatment under 11 U.S.C. § 506 must be filed separately within the applicable deadlines.

**(6) No Objections:** If no objections are filed, the movant must file a Certificate of Noncontested Matter in substantial conformity with [L.B. Form 9013-1.3](#).

**(7) Hearing:** Objections to the valuation of collateral under 11 U.S.C. § 506 will be considered in conjunction with the hearing on plan confirmation. If the objection requires an evidentiary hearing, the court will use the hearing on confirmation as a status and scheduling conference to set an evidentiary hearing date and related deadlines.

**(8) Order on Motion:** The attorney must submit a proposed order in substantial conformity with [L.B. Form 3012-1.1](#).

**(9) Order Extinguishing Lien:** Upon successful completion of the debtor's plan, the debtor may request an order that the lien is extinguished. See [L.B. Forms 3015-1.11](#) and [3015-1.12](#) (Chapter 13 Debtor's Certification to Obtain Discharge) and [L.B. Form 3022-1.2](#) (Chapter 11 Individual Debtor Final Report and Motion for Final Decree).

**(b) Personal Property:**

**(1) How Raised:** A debtor's request for the valuation of personal property and determination of secured status under 11 U.S.C. § 506 may be made in the proposed plan. A separate motion or adversary proceeding is not required.

**(2) Required Information:**

**(A) Motor Vehicles:** Requests for valuation of a motor vehicle must include a description of the affected vehicle, including the year, make, model and vehicle identification number (VIN).

**(B) Other Personal Property:** Requests for valuation of other personal property must include a description of the affected property and any identifying information with respect to the underlying contract or transaction.

**(3) Service, Objections, Hearing, and Order:** Requirements regarding service, objections, hearing and order are governed by the confirmation requirements of the applicable chapter under which the case is pending.

**Commentary**

[Source: New]

See 11 U.S.C. § 506 and FED. R. BANKR. P. 3012.

Although the "lien-avoiding effect of the confirmed plan" is established at confirmation, actual lien avoidance is contingent upon the debtor completing the plan and receiving a discharge. If the case is dismissed or plan payments are not otherwise completed, liens avoided under § 506(d) are reinstated. 11 U.S.C. § 349(b)(1)(C).

**LOCAL BANKRUPTCY RULE 3015-1  
FILING OF CHAPTER 13 PLAN**

**(a) Chapter 13 Confirmation Process – Forms:**

The court has developed the following Local Bankruptcy Forms in connection with this L.B.R. 3015-1.

(1) **L.B. Form 3015-1.1 – Chapter 13 Plan:** The Chapter 13 Plan form must be used when filing the original plan, as well as with any amendment to the plan.

(2) **L.B. Form 3015-1.2 – Notice of Filing of Chapter 13 Plan, Deadline for Filing Objections Thereto, and Hearing on Confirmation:** This notice may be used when the plan is filed after the petition date. In a case that is converted to chapter 13, this notice may be used when the plan is filed after the conversion date. This notice may also be used if creditors are added to the schedules after the petition date.

(3) **L.B. Form 3015-1.3 – Notice of Continued Dates for Meeting of Creditors and Hearing on Confirmation of Plan:** This notice may be used if the Meeting of Creditors is continued to a date *after* the Hearing on Confirmation.

(4) **L.B. Form 3015-1.4 – Verification of Confirmable Plan:** The Verification is to be filed when (a) there are no pending objections to the plan or amended plan, as applicable, (b) the debtor has complied with the verification requirements and (c) the debtor requests confirmation of the plan.

(5) **L.B. Form 3015-1.5 – Certificate and Motion to Determine Notice:** The Certificate and Motion to Determine Notice addresses objections, amendments, and notice of a chapter 13 plan and is to be filed by the debtor when objections or amendments to the plan are filed.

(6) **L.B. Form 3015-1.6 – Notice of Filing Amended Chapter 13 Plan Prior to Hearing on Confirmation and Deadline for Filing Objections Thereto:** To be used to provide notice of an amended chapter 13 plan that is filed and served prior to the original hearing on confirmation date.

(7) **L.B. Form 3015-1.7 – Notice of Filing Amended Chapter 13 Plan and Deadline for Filing Objections Thereto:** To be used when directed by the court to utilize notice procedures under FED. R. BANKR. P. 2002 and L.B.R. 2002-1 and 9013-1.

(8) **L.B. Form 3015-1.8 – Notice of Filing Amended Chapter 13 Plan, Deadline for Filing Objections Thereto, and Hearing on Confirmation:** To be used when directed by the court to utilize notice procedures under FED. R. BANKR.

P. 2002 and L.B.R. 2002-1 and 9013-1 and the court provides the debtor with a new hearing on confirmation date.

(9) **L.B. Form 3015-1.9** – **Chapter 13 Confirmation Order:** The court may use this form order or a virtual order to confirm the plan.

(10) **L.B. Form 3015-1.10** – **Order Modifying Confirmed Chapter 13 Plan:** The court may use this form order to modify a confirmed plan.

(11) **L.B. Form 3015-1.11** – **Chapter 13 Debtor’s Certification to Obtain Discharge:** To be used after all of the plan payments are completed and the debtor seeks a chapter 13 discharge.

(12) **L.B. Form 3015-1.12** – **Order on Chapter 13 Debtor’s Certification to Obtain Discharge:** The court may use this form order in response to L.B. Form 3015-1.11.

**(b) Filing of the Chapter 13 Plan:**

(1) The chapter 13 plan must be filed in accordance with FED. R. BANK. P. 3015. The form of the plan must conform to **L.B. Form 3015-1.1**.

(2) The failure to timely file the plan will result in the dismissal of the case pursuant to L.B.R. 1007-1 and 1017-3 and the United States Trustee’s Standing Motion to Dismiss Deficient Case, without further notice, certification or hearing.

(3) The chapter 13 confirmation process is a contested matter subject to FED. R. BANKR. P. 7004 and 9014. If the debtor is proposing to modify the rights of secured creditors, the debtor must specifically serve such creditors in the manner specified by the FED. R. BANKR. P.

**(c) Notice of the Chapter 13 Plan and Hearing on Confirmation:**

(1) When the plan is filed with the petition, or at the time of conversion to chapter 13, the court will mail a copy of the plan along with the Notice of Meeting of Creditors containing the date and time of the hearing on confirmation and the deadline to file objections to the plan. The court will mail the plan by means of first class mail to the Chapter 13 trustee, the United States Trustee and to the addresses for parties as listed on the Creditor Address Mailing Matrix filed in the case at the time of the mailing, subject to the redirection of mail by the Bankruptcy Noticing Center under 11 U.S.C. § 342. The above mailing by the court may not satisfy the service requirements of FED. R. BANKR. P. 9014 and 7004; if not, the debtor is responsible for satisfying any applicable service requirements under those rules.

(2) In addition to the requirements of FED. R. BANKR. P. 3015, when the plan is filed after the petition date, or after the date of conversion to chapter 13, the debtor must forthwith serve a copy of the plan along with a legally sufficient notice setting forth the date, time and location of the confirmation hearing and the deadline to file objections to the plan on all parties listed in paragraph (c)(1) above. The debtor may mail a copy of the Notice of Meeting of Creditors with the plan to comply with this notice requirement, or use [L.B. Form 3015-1.2](#).

(3) No later than three (3) court days following the debtor's mailing of the plan or any amended plan, the debtor must file a certificate of service setting forth the name of the document(s) mailed and all parties to whom notice was provided. The certificate of service should be filed with the plan or any amended plan, but not later than three (3) court days following mailing of the plan or any amended plan.

(4) The debtor is responsible for providing legally sufficient service and notice of the plan, the deadline to file objections thereto, and the hearing on confirmation to any additional creditors added at any time during the case.

**(d) Continued Meeting of Creditors:**

(1) Consistent with L.B.R. 2003-1, a debtor's request for a continuance of the 11 U.S.C. § 341(a) meeting of creditors must be in writing and served on the chapter 13 trustee no less than seven (7) days prior to the date and time of the scheduled meeting. A request for a continuance of the meeting of creditors is not filed with the court.

(2) In the event that the meeting of creditors is continued to a date *prior to* the original hearing on confirmation date, the hearing on confirmation will remain as scheduled.

(3) In the event that the meeting of creditors is continued to a date *after* the original hearing on confirmation date, the debtor must file a motion to continue the hearing on confirmation or appear at the originally scheduled date for the hearing on confirmation and request new deadlines be set by the court.

(4) Within three (3) court days of the entry of an order granting a motion to continue the hearing on confirmation, the requesting party shall file and serve a Notice of Continued Dates for Meeting of Creditors and Hearing on Confirmation of Plan in substantial compliance with [L.B. Form 3015-1.3](#) on all parties in interest, and file proof of such service with the court.



**(e) Filing Objections to Confirmation of Chapter 13 Plan:**

(1) No later than three (3) court days prior to the date first set for the meeting of creditors, objections to the plan must be filed with the court and served on the chapter 13 trustee, the debtor and debtor's counsel.

(2) Parties in interest may seek leave to file a late objection. A motion to file a late objection must include the proposed objection as an exhibit.

(3) Objections must clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. General objections will not be considered by the court and the failure to plead with specificity may result in the court striking the objection.

(A) A creditor's objection as to the claim amount owed as provided in the plan must be accompanied by an attached payment history and categorical calculation (*e.g.*, fees, costs, principal, and interest) of the amount the creditor asserts is owed.

(B) Objections to the debtor's expenses or Current Monthly Income calculations must specify each expense item or calculation to which an objection is raised and the basis for the objection.

(C) Objections to the debtor's request for valuation of collateral and determination of secured status under 11 U.S.C. § 506 must comply with L.B.R. 3012-1, including the amount and basis of the alternative value proposed by the objector.

(4) Unless otherwise ordered, previously filed objections to confirmation are deemed moot and new objections must be timely filed addressing any amended plan *if*, after court approval, the amended plan is sent on notice with an opportunity to object. Objections to a debtor's motion for valuation of real property under 11 U.S.C. § 506 and L.B.R. 3012-1 will be deemed continued until the objection is withdrawn, resolved, granted or denied.

**(f) If No Plan Objections Are Filed:**

**(1) No Amendment to the Plan.**

(A) If no objections are filed, no amendments are necessary and the debtor has complied with the verification requirements, the debtor must file a Verification of Confirmable Plan no earlier than seven (7) days following the debtor's first attendance at the meeting of creditors but no later than four (4) court days prior to the original hearing on confirmation.

(B) The Verification of Confirmable Plan must be in substantial conformity with, and contain all of the information in, [L.B. Form 3015-1.4](#).

(C) A copy of the Verification of Confirmable Plan must be served on the chapter 13 trustee and any parties requesting notice.

(D) Upon the filing of the Verification of Confirmable Plan the court may confirm the plan without requiring any parties to appear at the hearing on confirmation.

**(2) Amendments to the Plan *Prior to Originally Scheduled Hearing on Confirmation When No Plan Objections Are Filed.***

(A) If no objections are filed, and an amendment to the plan is necessary, the debtor must file the amended plan, along with a Certificate and Motion to Determine Notice, no earlier than the day following the debtor's first attendance at the meeting of creditors and no later than four (4) court days prior to the hearing on confirmation.

(B) The Certificate and Motion to Determine Notice must be in substantial conformity with, and contain all of the applicable information in, [L.B. Form 3015-1.5](#).

(C) The debtor must serve a copy of the amended plan and Certificate and Motion to Determine Notice to the chapter 13 trustee and those parties requesting notice.

(D) After the filing of a Certificate and Motion to Determine Notice, the court will order what notice, if any, is required and provide instructions regarding the setting of any further hearing either at the hearing on confirmation or by separate written order.

(E) If there are at least twenty-eight (28) days between the date of service and the scheduled hearing on confirmation, the debtor may file and serve an amended plan. Such plan is to be filed and served no earlier than the debtor's first attendance at the meeting of creditors and it will be considered at the originally scheduled hearing on confirmation. If the debtor so elects, the following shall apply:

(i) Debtor shall serve all creditors and parties in interest with the amended plan so filed and a notice which substantially conforms with [L.B. Form 3015-1.6](#) and which sets an objection date that is twenty-one (21) days from the date of service of the amended plan and notice.

(ii) If the debtor complies with subsection (E)(i), the requirement of subsection L.B.R. 3015-1(f)(2) for filing a Certificate and Motion to Determine Notice as to the prior plan is waived.

(iii) If no objections are filed to the amended plan so served, the debtor shall file a Verification of Confirmable Plan no later than four (4) court days prior to the hearing. Upon the filing of the Verification of Confirmable Plan, the court may vacate the hearing on confirmation.

(iv) If objections are filed to an amended plan filed in accordance with this procedure, the debtor shall make reasonable efforts to complete the obligation to meet and confer and file a Certificate and Motion to Determine Notice to advise the court and objecting parties of the debtor's response to the objection(s) no later than four (4) court days prior to the hearing on confirmation. The originally scheduled hearing will proceed as set.

(v) If the debtor complies with the provisions of this subsection in prosecuting an amended plan, the time period for filing objections to the amended plan of Fed.R.Bankr.P. 2002(b), is shortened by this Local Bankruptcy Rule to twenty-one (21) days from mailing.

**(g) If Plan Objections Are Filed:**

**(1) Obligation to Meet and Confer.**

(A) In an effort to resolve or narrow the issues in dispute, no later than seven (7) days prior to the hearing on confirmation, the debtor and any objecting party must Meet and Confer, as that term is defined in L.B.R. 9001.

(B) The failure to comply with the obligation to Meet and Confer may result in the court striking the objection, denying confirmation or taking further action as appropriate.

**(2) No Amendment to the Plan.**

(A) If there are objections to the plan and the debtor is not filing an amended plan to resolve the objections, the debtor must file a Certificate and Motion to Determine Notice, no earlier than the day following the debtor's first attendance at the meeting of creditors and no later than four (4) court days prior to the hearing on confirmation.

(B) The Certificate and Motion to Determine Notice must be in substantial conformity with, and contain all of the applicable information in [L.B. Form 3015-1.5](#).

(C) The debtor must serve a copy of the Certificate and Motion to Determine Notice to the chapter 13 trustee, any parties who objected to the most recently noticed plan, and those requesting notice.

(D) After the filing of a Certificate and Motion to Determine Notice, the court may order what notice, if any, is required and provide instructions regarding the setting of any further hearing either at the hearing on confirmation or by separate written order.

**(3) Amendments to the Plan *Prior to Originally Scheduled Hearing on Confirmation When Plan Objections Are Filed.***

(A) If there are objections to the plan and the debtor is filing an amended plan to resolve some or all of the objections, the debtor must file the amended plan, along with a Certificate and Motion to Determine Notice, no earlier than the day following the debtor's first attendance at the meeting of creditors and compliance with the obligation to meet and confer, but no later than four (4) court days prior to the hearing on confirmation.

(B) The Certificate and Motion to Determine Notice must be in substantial conformity with, and contain all of the applicable information in [L.B. Form 3015-1.5](#).

(C) The debtor must serve a copy of the amended plan and Certificate and Motion to Determine Notice to the chapter 13 trustee, any parties who objected to the most recently noticed plan, and those requesting notice.

(D) After the filing of a Certificate and Motion to Determine Notice, the court may order what notice, if any, is required and provide instructions regarding the setting of any further hearing either at the hearing on confirmation or by separate written order.

(E) If there are at least twenty-eight (28) days between the date of service and the scheduled hearing on confirmation, the debtor may file and serve an amended plan. Provided the debtor otherwise complies with the provisions of L.B.R. 3015-1(f)(2)(E) above, such plan is to be filed and served no earlier than the debtor's first attendance at the meeting of creditors and compliance with the obligation to meet and confer, so it will be considered at the originally scheduled hearing on confirmation. The provisions of L.B.R. 3015-1(e)(4) apply to this subsection (E).

#### **(4) Plan Objections Resolved.**

(A) If there are no pending objections or objections have been formally withdrawn to the plan or amended plan, as applicable, the debtor has complied with the certification requirements, and the plan is otherwise ready for confirmation, the debtor must file the Verification of Confirmable Plan to obtain an order confirming the plan.

(B) The Verification of Confirmable Plan must be in substantial conformity with, and contain all of the information in, [L.B. Form 3015-1.4](#).

(C) A copy of the Verification of Confirmable Plan must be served on the chapter 13 trustee, any parties who objected to the most recently noticed plan, and those requesting notice.

(D) Upon the filing of the Verification of Confirmable Plan the court may confirm the plan at the hearing on confirmation, or by separate court order without requiring any parties to appear at the hearing on confirmation.

**(h) Hearings:** The debtor and objecting parties must appear or be represented at any scheduled hearing on confirmation, unless otherwise ordered by the court.

**(i) Service of Amended Plan *After* the Scheduled Hearing on Confirmation:** The court will direct what procedures apply for amendments to a plan at or after the scheduled hearing on confirmation, including utilizing the procedures set forth in L.B.R. 2002-1 and 9013-1. The court may require the debtor to use [L.B. Form 3015-1.8](#) to provide notice of an amended plan, the deadline for filing objections thereto, and the setting of a new hearing on confirmation. In the alternative, the court may require the debtor to use [L.B. Form 3015-1.7](#) to provide notice of an amended plan and the deadline for filing objections thereto, without the further setting of a new hearing on confirmation.

#### **(j) Modification of Chapter 13 Plan *After* Confirmation:**

**(1) Proposed Modified Plan:** In the event the debtor, the trustee, or the holder of an allowed unsecured claim desires to modify a confirmed chapter 13 plan, the movant must file the proposed modified plan together with a motion requesting modification which must state with particularity the date the plan was originally confirmed, the reason for the modification and the effect upon distribution to each creditor class should the modification be approved. If the modification is proposed after the expiration of the period for the filing of claims, service may be limited to the trustee, any party whose interest is affected by the modification and upon those creditors who have filed proofs of claim.

**(2) Notice:** Notice of the proposed modified plan is governed by FED. R. BANKR. P. 3015(g) and L.B.R. 2002-1 and 9013-1.

### **Commentary**

[Source: T.L.B.R. 3015-1 and L.B.R. 315, 319, and 320]

Parties may check the judge's webpage for options to appear by telephone and the process for doing so.

The definition of Meet and Confer is contained in L.B.R. 9001-1. The court believes that the obligation to Meet and Confer is an important process for the exchange of information and facilitates the prompt resolution of disputes. The initial burden to timely commence the Meet and Confer is on the debtor, however the chapter 13 trustee or objector may do so as well. Parties are encouraged to initiate the Meet and Confer as close to the time the objection is filed, but in no case later than seven (7) days prior to the hearing on confirmation.

### **LOCAL BANKRUPTCY RULE 3017-1 DISCLOSURE STATEMENT – NOTICE AND OBJECTIONS**

**(a) Notice:** The plan proponent must mail the order and notice of hearing on disclosure statement and notice of objection deadlines pursuant to FED. R. BANKR. P. 2002(b) and 3017, or as otherwise directed by the court.

**(b) Objections:** Objections to the adequacy of a proposed disclosure statement must be served upon those parties in interest specified in the FED. R. BANKR. P. 3017(a) within the time fixed by the court. Objections must specify clearly the grounds upon which they are based, including the citation of supporting legal authority, if any, and reference to the particular portions of the disclosure statement to which the objection is made. General objections will not be considered by the court.

### **Commentary**

[Source: L.B.R. 317]

See Official Form 13, *Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof*.

Guidelines for the adequacy and contents of disclosure statements may be found on the United States Trustee website at [www.usdoj.gov/ust/](http://www.usdoj.gov/ust/).

**LOCAL BANKRUPTCY RULE 3017.1-1**  
**CONDITIONAL APPROVAL OF DISCLOSURE STATEMENT**  
**IN SMALL BUSINESS CASES**

**(a) Motion for Conditional Approval of Disclosure Statement:** A small business debtor who seeks conditional approval of a disclosure statement, must file the disclosure statement and a motion for conditional approval of the disclosure statement pursuant to 11 U.S.C. § 1125(f)(3)(A) (“Motion for Conditional Approval”). The debtor must attach the proposed plan as an exhibit to the Motion, but not file it as a separate document until the court has ruled on the Motion.

**(1) Filing Requirement:** In order to assist the small business debtor and the court in meeting the time requirements of 11 U.S.C. §§ 1121(e)(3) and 1129(e), in the Motion for Conditional Approval, the debtor must set forth the following *proposed* deadlines and dates:

- (A) Date by which the debtor will need the court’s conditional approval in order to meet all other deadlines.
- (B) Date by which the debtor must file its chapter 11 plan,
- (C) Date by which the debtor must mail its plan, disclosure statement, and ballot to all creditors and other parties in interest pursuant to FED. R. BANKR. P. 2002(b) and 3017.
- (D) Deadline for all parties to file written objections to the disclosure statement.
- (E) Deadline for all parties to file written acceptances or rejections of the plan.
- (F) Deadline for all parties to file written objections to the plan.
- (G) Date by which the debtor will need a hearing on final approval of the disclosure statement (if any objection is timely filed) and on confirmation of the plan in order to stay within the deadlines in 11 U.S.C. §§ 1121(e) and 1129(e).

The proposed adequacy of disclosure statement and plan objection deadlines and the proposed deadline for acceptance or rejection of the plan may be the same date.

**(2) Notice:** The debtor must serve the Motion for Conditional Approval on the United States Trustee, any case trustee and parties requesting notice.

**(3) Orders:** The court may, in its discretion, enter an order without a hearing on notice as the court may direct.

**(b) Order:** If the court conditionally approves the disclosure statement, the court will issue an order in substantial conformity with [L.B. Form 3017.1-1.1](#).

**(1) Notice:** The debtor must serve the order, plan, disclosure statement, and ballot on all creditors and other parties in interest pursuant to FED. R. BANKR. P. 2002(b) and 3017.

**(2) Certificate of Service:** The debtor must file a certificate of service as to the order, plan, disclosure statement and ballot within three (3) court days of service.

**(c) Objections:** Objections to the adequacy of the disclosure statement must comply with L.B.R. 3017-1(b).

### **Commentary**

[Source: New]

See Official Bankruptcy Form B25A (Plan of Reorganization in Small Business Case under Chapter 11) and B25B (Disclosure Statement in Small Business Case under Chapter 11). See also Director's Procedural Form 13S and 15S.

Although a hearing is not required, should the debtor request an expedited hearing on conditional approval of the disclosure statement, the court will attempt to accommodate the debtor's proposed deadlines and dates to the extent it is able. Notwithstanding the debtor's requested or proposed dates, the debtor must comply with the applicable time frames and requirements to obtain an extension pursuant to 11 U.S.C. §§ 1121(e) and 1129(e).

## **LOCAL BANKRUPTCY RULE 3017-2 COMBINED CHAPTER 11 PLAN AND DISCLOSURES IN SMALL BUSINESS CASES**

**(a) Motion to File a Chapter 11 Plan Without a Separate Disclosure Statement:** A small business debtor who seeks to file a plan without a separate disclosure statement pursuant to 11 U.S.C. § 1125(f)(1), must *first* file a motion for determination that the plan itself provides adequate information and that a separate disclosure statement is not necessary (the "Motion").

**(1) Filing Requirement:** In order to assist the small business debtor and the court in meeting the requirements of 11 U.S.C. §§ 1121(e) and 1129(e), the Motion must set forth the following *proposed* deadlines and dates:

**(A)** Date by which the debtor will need the court's initial determination regarding adequate information in order to meet all other deadlines.

**(B)** Date by which the debtor must file its chapter 11 plan.

**(C)** Date by which the debtor must mail its plan and ballot to all creditors and other parties in interest pursuant to FED. R. BANKR. P. 2002(b) and 3017.



(D) Deadline for all parties to file written acceptances or rejections of the plan.

(E) Deadline for all parties to file written objections to the plan and final determination under 11 U.S.C. § 1125(f)(1).

(F) Date by which the debtor will need a hearing on confirmation of the plan in order to stay within the deadlines in 11 U.S.C. §§ 1121(e) and 1129(e).

The proposed plan and disclosures objection deadline and proposed acceptance or rejection deadline may be the same date.

**(2) Notice:** The debtor must serve the Motion on the United States Trustee, any case trustee and parties requesting notice.

**(3) Orders:** The court may, in its discretion, enter an order without a hearing on notice as the court may direct.

**(b) Order:** If the court initially determines that the plan itself provides adequate information and that a separate disclosure statement is not necessary, the court will issue an order in substantial conformity with [L.B. Form 3017-2.1](#).

**(1) Notice:** The debtor must serve the order, plan and ballot on all creditors and other parties in interest pursuant to FED. R. BANKR. P. 2002(b).

**(2) Certificate of Service:** The debtor must file a certificate of service as to the order, plan and ballot within three (3) court days of service.

**(c) Objections:** Objections to the information and disclosures contained in the plan must comply with L.B.R. 3017-1(b).

### **Commentary**

[Source: New]

The court will attempt to accommodate the debtor's proposed deadlines and dates to the extent it is able. Notwithstanding the debtor's requested or proposed dates, the debtor must comply with the applicable timeframes and requirements to obtain an extension pursuant to 11 U.S.C. §§ 1121(e) and 1129(e).

**LOCAL BANKRUPTCY RULE 3022-1**  
**CHAPTER 11--FINAL REPORT/DECREE**

**(a) Chapter 11 Final Report and Motion for Final Decree:** Immediately after the estate is fully administered, the debtor-in-possession must file a final report and motion for final decree in substantial conformity with [L.B. Form 3022-1.1](#) (business debtor) or [L.B. Form 3022-1.2](#) (individual debtor) and serve it on the U.S. Trustee and parties requesting notice.

**(b) Objection:** If no objection has been filed within 30 days of the filing of the final report and motion for final decree, the court will presume that the estate has been fully and properly administered and a final decree will enter.

**(c) Final Decree:** The final report and motion for final decree must be accompanied by a proposed order in substantial conformity with [L.B. Form 3022-1.3](#) (business debtor) or [L.B. Form 3022-1.4](#) (individual debtor).

**Commentary**

[Source – L.B.R. 215(b)]

*See the Amended Memorandum of Understanding Between the Executive Office for United States Trustees and the Administrative Office of the United States Courts Regarding Case Closings and Post Confirmation Chapter 11 Monitoring, dated April 1, 1999.*

See also L.B.R. 2015-1 for other reporting requirements.

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**LOCAL BANKRUPTCY RULE 4001-1**  
**RELIEF FROM AUTOMATIC STAY**

**(a) Motions for Relief From Automatic Stay Under 11 U.S.C. § 362(d) Against Debtor:**

**(1) Selection of Hearing Date:** Each division maintains a separate motion for relief from stay calendar. Information as to the time and dates of each division's calendar may be obtained from the assigned judge's staff or the court's website at [www.cob.uscourts.gov](http://www.cob.uscourts.gov). All motions for relief from stay must be set for hearing on the calendar of the division to which the case is assigned. A party desiring to file a motion for relief from stay in a bankruptcy case will select from the calendar of available hearing dates a proposed hearing date, which must be the latest hearing date available on the assigned judge's calendar which is not more than thirty (30) days from the date the motion for relief from stay is filed with the court.

**(2) Waiver of Rights under 11 U.S.C. § 362(e):** In the event the movant sets a hearing date beyond thirty (30) days, the movant is deemed to have waived its right under 11 U.S.C. § 362(e) to automatic relief after thirty (30) days.

**(3) Notice of Hearing and Time to Object:** Subject to the provisions of this L.B.R., the movant must comply with the provisions of L.B.R. 9013-1. In addition to the parties specified in FED. R. BANKR. P. 4001, the notice and motion must be served on the debtor and debtor's counsel, the United States Trustee, the case trustee, and any party with an interest, such as a party claiming lien rights in property against which the movant seeks relief. The notice of hearing must provide that any objection and request for hearing must be filed by a specific date that is at least seven (7) days prior to the hearing date and that, if no objection to the requested relief is timely filed, the relief requested in the motion may enter without a hearing.

**(4) Mandatory Motion Requirements:** In addition to complying with L.B.R. 9013-1, the movant must:

(A) plead with specificity facts supporting the requirements of 11 U.S.C. § 362(d);

(B) if, as a basis for relief, a default is alleged as to payment on a business or consumer debt, attach a detailed, understandable payment history regarding the debt and arrearages;

(C) file and serve a notice in substantial conformity with [L.B. Form 4001-1.1](#);

(D) if the debtor or co-debtor is an individual, file a Servicemembers Civil Relief Act (“SCRA”) Affidavit pursuant to L.B.R. 4002-2(c);

(E) file and serve a proposed order in substantial conformity [with L.B. Form 4001-1.3](#); and

(F) pay the prescribed filing fee.

The motion must include the type of information, as applicable, outlined in the Guidelines for Motions for Relief from Stay L.B. Rule 4001-1App. The failure to provide such detail may result in the denial of the motion without prejudice and without further notice or hearing.

**(5) No objections:** If no objections are filed and the Movant wants an order granting the requested relief, the Movant may file a certificate of non-contested matter, [L.B. Form 4001-1.3](#), no sooner than the day of the scheduled hearing.

**(b) Motions for Relief from Stay Under 11 U.S.C. §§ 1201 or 1301 Against Co-Debtor:** The procedures for seeking relief from the co-debtor stay are the same as that specified in (a) above except:

(1) the party must select a hearing date that is not more than twenty (20) days from the date of the motion, and

(2) the notice of hearing must provide that any objection and request for hearing must be filed by a specific date that is at least seven (7) days prior to the hearing date and that, if no objection to the requested relief is timely filed, the relief requested in the motion may enter without a hearing.

In the event that the movant sets a hearing date beyond twenty (20) days, the movant is deemed to have waived its right to relief within twenty days under 11 U.S.C. § 1201(d) and 1301(d). If the movant files a combined motion under 11 U.S.C. § 362(d) and § 1201 or 1301, the movant will be deemed to have waived their rights under § 1201(d) or § 1301(d) to automatic relief after twenty (20) days.

**(c) Procedures for Preliminary Hearings:** The following procedures apply at preliminary hearings on motions for relief from stay:

(1) No testimony will be taken. Evidence will only be accepted by way of an oral offer of proof and exhibits. Such offers must provide sufficient detail to enable the court to make specific findings based thereon and must include the identity of the witnesses available to testify at an evidentiary hearing and an explanation of their expected testimony. Written summaries of witnesses’ testimony are not required but may be submitted.

(2) Parties must exchange all exhibits they intend to use, or may reasonably anticipate using, no later than 24 hours prior to the preliminary hearing. The exhibits must be tendered to the court at the hearing, together with a statement identifying the witness or witnesses who would be called to identify and lay the foundation for the introduction of such exhibits.

(3) Objections to tendered evidence should be made at the conclusion of each party's declaration. Any objection must identify the evidence objected to and specify the grounds for the objection.

(4) The court will treat the hearing as a preliminary hearing and, based on the proffers of evidence, if there is a reasonable likelihood that the party opposing relief will prevail at a final hearing, may set the matter over for a final hearing. In the alternative, the court may consider the offers of proof and, absent the need for an evidentiary hearing, grant or deny the request for relief from stay.

(5) Expert Witnesses: Any party anticipating the use of an expert witness for a final hearing will, at the initial hearing, comply with FED. R. BANKR. P. 7026(a)(2).

**(d) Telephonic Hearings:** Telephonic appearances may be permitted in accordance with the information on chambers' procedures for the presiding judge located on the court's website at [www.cob.uscourts.gov](http://www.cob.uscourts.gov). Any party appearing telephonically must exchange witness lists and exhibits with the other parties and file them with the court no later than 24 hours prior to the hearing.

### **Commentary**

[Source: L.B.R. 401 and GPO 2005-2]

See FED. R. BANKR. P. 4001 and 9014.

Parties are advised to use the proper forms applicable to this L.B.R. 4001-1 (relief from stay) and not those applicable to L.B.R. 4001-2 (termination/absence of stay).

See Servicemembers Civil Relief Act of 2003 ("SCRA"), 50 App. U.S.C. § 501 et seq. and L.B.R. 4002-2 for further information on SCRA.

**LOCAL BANKRUPTCY RULE 4001-2**  
**TERMINATION, ABSENCE, OR EXTENSION OF AUTOMATIC STAY**

**(a) Procedures:** Motions filed pursuant to this L.B.R. 4001-2 are subject to the procedures in L.B.R. 4001-1(a)(1) Selection of Hearing Date, (a)(3) Notice of Hearing and Time to Object, (c) Procedures for Preliminary Hearing and (d) Telephonic Hearings.

**(b) Forms:** Parties must file and serve a notice and proposed order in substantial conformity with [L.B. Forms 4001-2.1](#) and [4001-2.2](#), respectively.

**(c) Requests Pursuant to 11 U.S.C. § 362(c)(3)(B) (to continue and extend the stay) and 11 U.S.C. § 362(c)(4)(B) (for the stay to take effect):**

(1) Motions filed pursuant to 11 U.S.C. § 362(c)(3)(B) and (c)(4)(B) must:

(A) explain why this later case is filed in good faith as to the creditor(s) to be stayed, and specify whether the request extends to all creditors or only specified creditors; and

(B) unless ordered otherwise, give at least fourteen (14) days notice of the objection date and hearing date to the applicable trustee, debtor, debtor's attorney and all affected creditors.

(2) If seeking to extend the stay to certain property of the estate, service of the motion and notice must also comply with the requirements of FED. R. BANKR. P. 7004 and 11 U.S.C. § 342 as to any creditor who holds or asserts an interest in such property of the estate.

(3) Motions filed pursuant to 11 U.S.C. § 362(c)(3)(B) should be filed with the petition or promptly thereafter in order to permit compliance with statutory time limits.

(4) Motions filed pursuant to 11 U.S.C. § 362(c)(4)(B) must be filed within 30 days after filing of the petition.

**(d) Requests Pursuant to 11 U.S.C. § 362(h)(1) (to terminate the stay for failure to comply with duties under 11 U.S.C. § 521(a)(2) with respect to personal property):**  
The movant must plead the following with sufficient specificity:

(1) recital of the facts supporting the requested relief pursuant to the terms of 11 U.S.C. § 362(h)(1);

(2) a detailed description of the property interest securing the debtor's obligation to the movant; and

(3) a statement of whether the debtor timely filed, and performed under, a statement of intention pursuant to 11 U.S.C. § 521(a)(2).

**(e) Requests Pursuant to 11 U.S.C. § 362(h)(2) (determination that property is of consequential value or benefit):**

(1) The motion must explain the basis for the belief that the property is of consequential value or benefit to the estate, describe what adequate protection is appropriate to protect the creditor's interest and whether or not the debtor has delivered the collateral to the trustee.

(2) Service of the motion and notice must also comply with the requirements of FED. R. BANKR. P. 7004 and 11 U.S.C. § 342 as to any creditor who holds or asserts an interest in such property of the estate.

(3) Unless otherwise ordered by the court, motions filed pursuant to 11 U.S.C. § 362(h)(2) must be filed within thirty (30) days after the first date set for the meeting of creditors.

**(f) Requests Pursuant to 11 U.S.C. § 362(j) (confirming termination of the stay):**

The movant must plead the following with sufficient specificity to permit the court to grant the motion:

(1) the requirements of 11 U.S.C. § 362(c); and

(2) the facts supporting the requested relief, including the following information regarding the previous case or cases:

- (A) case name,
- (B) case number,
- (C) court where filed,
- (D) date filed,
- (E) date dismissed,
- (F) whether the dismissal was pursuant to 11 U.S.C. § 707(b),
- (G) as to a request under 11 U.S.C. § 362(c)(3)(A), describe any formal pre-petition action commenced by the movant; and
- (H) any additional relevant information.

**Commentary**

[Source: modified guideline]

Parties are advised to use the proper forms applicable to this L.B.R. 4001-2 (termination/absence of stay) and not those applicable to L.B.R. 4001-1 (relief from stay).

Motions to extend the stay under 11 U.S.C. § 362(c)(3)(B) may be summarily denied if they are not timely filed such that meaningful due process can be afforded and a hearing held before the end of the 30-day period set forth in 11 U.S.C. § 362(c)(3)(B). Typically, a motion filed within seven (7) to ten (10) calendar days of the commencement of the case can be timely prosecuted under these guidelines, depending upon the assigned judge's relief from stay hearing dates.

### **LOCAL BANKRUPTCY RULE 4001-3 CASH COLLATERAL AND POST-PETITION FINANCING**

**(a) Motions:** Except as provided herein and elsewhere in these L.B.R., all cash collateral and/or financing requests under 11 U.S.C. §§ 363 and 364 must be made by motion filed pursuant to FED. R. BANKR. P. 2002, 4001 and 9014 and L.B.R. 2081-1 and 9013-1 as applicable ("Financing Motions").

**(1) Provisions to be Highlighted:** All Financing Motions must:

- (A) recite whether the proposed form of order and/or underlying cash collateral stipulation or loan agreement contains any provision of the type indicated in the appendix at L.B.R. 4001-3(a)App.;
- (B) identify the location of any such provision in the proposed form of order, cash collateral stipulation and/or loan agreement by page, paragraph and/or line number; and
- (C) provide the justification for the inclusion of each such provision.

**(2) Mandatory Inclusions:** All Financing Motions must also provide a summary of the essential terms of the proposed use of cash collateral and/or financing including, but not limited to:

- (A) the maximum borrowing available on a final basis,
- (B) the interim borrowing limit,
- (C) borrowing conditions,
- (D) interest rate,
- (E) maturity,
- (F) events of default,
- (G) use of funds limitations,
- (H) protections afforded under 11 U.S.C. §§ 363 and 364, and
- (I) a line-item budget for both the interim and final order periods, unless the court orders otherwise.

**(b) Interim Relief:** When Financing Motions are filed with the court on or shortly after the date of the entry of the order for relief pursuant to L.B.R. 2081-1, the court may grant interim relief pending review by the interested parties of the proposed debtor-in-



possession financing arrangements. Such interim relief is intended to avoid immediate and irreparable harm to the estate pending a final hearing. In the absence of extraordinary circumstances, the court may not approve interim financing orders that include any of the provisions, as specified in L.B.R. 4001-3(a)App.

**(c) Final Orders:** A final order will be entered only after providing parties notice and an opportunity for a hearing pursuant to FED. R. BANKR. P. 4001 and L.B.R.9013-1.

### **Commentary**

[Source: From D. Del.; Appendix 4001-3App. from N.D. Cal. UST]

## **LOCAL BANKRUPTCY RULE 4001-4 COMMUNICATION NOT IN VIOLATION OF THE AUTOMATIC STAY**

**(a) Forms of Communication; Issuance of Monthly Statements is not a Stay Violation:** The following communication and issuance of monthly statements are declared appropriate and not a violation of the automatic stay:

**(1) Permissible Contact with the Debtors:** Secured creditors may contact the debtors about the status of insurance coverage on property that is collateral for the creditor's claim, may respond to inquiries and requests for information about the account from debtors, and may send the debtor statements, payment coupons, or other correspondence that the creditor sends to its nondebtor customers, without violating the automatic stay, provided none of these communications includes an attempt to collect the debt. Permissible forms of communication are those which are sent to debtors by creditors in the ordinary course of business, to the address that the debtor last provided to the creditor by agreement between the debtor and the creditor. In order for communication to be protected under this L.B.R., the communication must indicate it is provided for information purposes and does not constitute a demand for payment.

**(2) Manner of Contacting Debtors:** Permissible communications may be transmitted via electronic mail, facsimile, United States Postal Service, commercial communications carrier, or such other mode as is mutually acceptable to the parties.

### **Commentary**

[Source: GPO 2008-1]

This L.B.R. directs that, to the greatest degree possible, the routine flow of information from secured creditors to debtors continue post-petition with respect to secured loans constituting consumer debt (as that term is defined by 11 U.S.C. § 101(8)), in each

bankruptcy case where the debtor retains possession of the collateral and continues to make regular installment payments directly to the secured creditor.

## **LOCAL BANKRUPTCY RULE 4002-1 DUTIES REGARDING TAX INFORMATION**

### **(a) Motions Regarding Tax Returns.**

(1) Motions to dismiss pursuant to 11 U.S.C. § 521(e)(2) are governed by L.B.R. 1017-2 and [L.B. Form 1017-2.1](#).

(2) Motions to compel compliance with 11 U.S.C. § 521(f) are governed by L.B.R. 9013-1.

**(b) Redaction of Personal Information in Tax Returns:** The redaction of personal information from tax returns or transcripts provided to the trustee or requesting creditor, or filed with the court, is governed by FED. R. BANKR. P. 4002 and 9037.

**(c) Failure to Redact Personal Information:** The court will not redact any information if the debtor fails to make the redactions required under FED. R. BANKR. P. 4002 and 9037.

### **Commentary**

[Source: T.L.B.R. 1017-1 and T.L.B.R. 4002-1]

All tax information filed electronically with the court must be submitted under the “tax information” event which is not publicly available.

Confidentiality of tax returns is governed by FED. R. BANKR. P. 4002(b)(5) and 9037 and the procedures established by the Director of the Administrative Office of the United States Courts. This includes the *Director’s Interim Guidance Regarding Tax Information Under 11 U.S.C. § 521* (September 20, 2005), and any amendments thereto or final guidance that may be established. The Director’s guidance may be located at the U.S. Court’s website at [www.uscourts.gov/bankruptcycourts](http://www.uscourts.gov/bankruptcycourts).

See L.B.R. 1007-5 for information on Social Security numbers and privacy, and L.B.R. 1017-2 for dismissal for failure to provide tax returns under 11 U.S.C. § 521(e)(2).

**LOCAL BANKRUPTCY RULE 4002-2**  
**SERVICEMEMBERS CIVIL RELIEF ACT OF 2003 (“SCRA”)**

**(a) Debtor’s Statement of Military Service:** In order to assist the court in its determination of a debtor’s status under the Servicemembers Civil Relief Act of 2003 (“SCRA”), 50 App. U.S.C. § 501 et seq., a debtor should inform the court if he/she is a servicemember subject to the provisions of SCRA at the time of the filing of the bankruptcy petition by filing Director’s Procedural Form 202. If, at any time during the pendency of the bankruptcy proceedings a debtor becomes entitled to the protections of SCRA, he or she should inform the court of the change in military status within fourteen (14) days of the change in status by filing an amended Director’s Procedural Form 202.

**(b) Debtor’s Failure to Comply:** Failure by the debtor to inform the court of his/her military status does not constitute a waiver of the debtor’s protections under SCRA, and does not alter the responsibility of a party to investigate the debtor’s servicemember status before filing any of the papers referred to in L.B.R. 4001-1 and 7055-1.

**(c) Affidavit Required for Motion for Default Judgment and Motions for Relief from the Automatic Stay:** At the time of the filing of a motion for default judgment in an adversary proceeding pursuant to FED. R. BANKR. P. 7055 or a motion for relief from stay under FED. R. BANKR. P. 4001, if the party against whom relief is sought is an individual, the plaintiff/movant must file an affidavit with the court which states (1) whether or not the defendant/respondent is in the military service, and indicating the necessary facts to support said affidavit; or (2) if the plaintiff/movant is unable to determine whether or not the defendant/respondent is in the military service, a statement that the plaintiff/movant is unable to so determine. The court will deny motions for default judgment and motions for relief from stay if the plaintiff/movant does not supply the required affidavit. If the court is unable to ascertain the defendant’s/respondent’s military status from the affidavit, it may require the plaintiff/movant to post a bond before entering a default judgment or an order lifting the stay.

**Commentary**

[Source: GPO 2005-2]

Information on how to obtain verification of the military status of an individual is available from the Clerk’s office or online at the court’s website at [www.cob.uscourts.gov](http://www.cob.uscourts.gov).

## LOCAL BANKRUPTCY RULE 4003-1 EXEMPTIONS

**(a) Objections:** Objections to exemptions must be prosecuted according to the procedures in L.B.R. 9013-1.

**(b) Notice:** The objection must be accompanied by a notice in substantial conformity with [L.B. Form 9013-1.1](#) with at least fourteen (14) days from the date of mailing for the filing of a response.

**(c) Hearing:** Upon the filing of a Certificate of Non-contested Matter, the court may enter an order without a hearing. Upon the filing of a Certificate of Contested Matter, the court may set a hearing on the matter.

### Commentary

[Source: New.]

## LOCAL BANKRUPTCY RULE 4003-2 LIEN AVOIDANCE

**(a) Motions to Void Judicial Liens Under 11 U.S.C. § 522(f):** A motion to void judicial liens under 11 U.S.C. §522(f) (the “Motion”) must include the following:

(1) Identification of the lien creditor. The caption, title of pleading, or introductory paragraph must clearly identify the affected lien creditor. It is not sufficient to only attach a copy of a transcript of judgment, without also identifying the affected creditor in the body of the pleadings, and

(2) Specific grounds for relief under 11 U.S.C. § 522(f) (e.g. whether the lien impairs the debtor’s exemption, the purported value of the property, the amount of the various liens filed against the property, whether the debtor claimed a homestead exemption on Schedule C), and

(3) Evidence that a lien was actually recorded against the homestead (e.g. specific recording information and/or a copy of the transcript of judgment).

**(b) Notice:** The Motion must be accompanied by a notice in substantial conformity with [L.B. Form 9013-1.1](#) with at least fourteen (14) days from the date of mailing for the filing of an objection.

**(c) Certificate of Service:** The Motion must be accompanied by a Certificate of Service showing that both the Motion and notice were served on the affected lien creditor in the manner required by FED. R. BANKR. P. 7004 and 9014.

**(d) Proposed Order:** The Motion must be accompanied by a proposed order. The proposed order must contain an adequate description of the property and must not purport to do anything more than declare the lien void. The proposed order should not place an affirmative duty on the lien creditor to file documents to remove the lien from the chain of title.

### **Commentary**

[Source: New]

## **LOCAL BANKRUPTCY RULE 4004-1 DISCHARGE**

**(a) Financial Management Course Certification in Individual Debtor Chapter 7 and 13 cases (and Individual Debtor Chapter 11 Cases in which 11 U.S.C. § 1141(d)(3) Applies):** The court cannot grant a discharge to individual debtors in Chapter 7 and 13 cases without receipt of a statement regarding completion of a course in personal financial management as required by FED. R. BANKR. P. 1007(b)(7). Chapter 7 and 13 cases that have been fully administered, other than the granting of a discharge and the filing of the financial management course certification, will be closed by the court without the entry of a discharge. A new filing fee will be required to reopen the case to file the financial management certification and to permit the entry of the discharge.

**(b) Individual Debtor Cases in which 11 U.S.C. § 522(q)(1) Applies:** The court cannot grant a discharge if there is reasonable cause to believe that 11 U.S.C. § 522(q)(1) may be applicable to the debtor and there is a conviction of a felony as defined in 18 U.S.C. § 3156, or pending any proceeding in which the debtor may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A), or may be liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B). Prior to the entry of the discharge, any party, including the debtor, a creditor, case trustee, and United States Trustee, with knowledge that 11 U.S.C. § 522(q)(1) may apply to the debtor, shall file a statement justifying the assertion that there is reasonable cause to believe 11 U.S.C. § 522 (q)(1) applies.

### **Commentary**

[Source: T.L.B.R. 4004-1]

See [L.B. Form 3015-1.10](#), Chapter 13 Debtor's Certification to Obtain Discharge and [L.B. Form 3022-1.2](#), Chapter 11 Final Report and Motion for Final Decree (for individual chapter 11 debtor).

**LOCAL BANKRUPTCY RULE 4008-1**  
**REAFFIRMATION OF DISCHARGEABLE DEBTS**

**(a) Motion:** A motion for approval of a reaffirmation agreement pursuant to 11 U.S.C. § 524(d) may be filed in accordance with 11 U.S.C. § 524(d) and FED. R. BANKR. P. 4008 by either the debtor or a creditor who is a party to the agreement.

**(b) Form:**

**(1) Cover Sheet:** Use of [L.B. Form 4008-1.1](#) is mandatory and must be completed in its entirety and filed along with any reaffirmation agreement.

**(2) Reaffirmation Agreement:** Use of Director's Procedural Forms 240 series is mandatory. A reaffirmation agreement without a completed Director's Procedural Form 240A, including Part II. 3., will not be considered by the court.

**(3) Attachment to Reaffirmation Agreement—Creditor Declaration Regarding the Agreement:** The creditor must state whether the original loan documents or sale and security agreement between the parties provide for (1) a default upon borrower filing for bankruptcy relief or becoming insolvent and/or (2) the cross-collateralization of other assets of the debtor. The Creditor may use [L.B. Form 4008-1.2](#) to fulfill this requirement or sign the [L.B. Form 4008-1.1](#).

**(c) Hearing:**

**(1) Certification by Debtor's Attorney:** If the debtor's attorney has certified that the reaffirmation agreement will not impose an undue hardship on the debtor and the court has no other concerns regarding the agreement, no hearing will be conducted and no order will be entered.

**(2) No Certification by Debtor's Attorney:** If the debtor's attorney has not certified the reaffirmation agreement for any reason, the court may set the matter for hearing and may require the debtor's attorney to participate in the hearing.

**Commentary**

[Source: L.B.R. 408 and GPO 2008-2]

**LOCAL BANKRUPTCY RULE 5001-2  
CLERK – OFFICE LOCATION AND HOURS**

**(a) Office Location:** The Clerk for the United States Bankruptcy Court, District of Colorado, is located at 721 19th Street, Denver, CO 80202-2508.

**(b) Internet Address:** [www.cob.uscourts.gov](http://www.cob.uscourts.gov)

**(c) Regular Business Hours:** 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, court closures due to inclement weather or other court order.

**(d) Public Access to the Docket:**

**(1) Internet Access:** Any person or organization may obtain access to the “read only” area of the court’s Internet site at [www.cob.uscourts.gov](http://www.cob.uscourts.gov) by obtaining a password and paying any fees established for such access. Those who have access to the court’s electronic filing system but who are not Electronic Filers may retrieve docket sheets and documents, but they may not file documents.

**(2) Access at the Court:** Access to all public documents filed with the court is available, without obtaining a password, in the Clerk’s office during regular business hours. Conventional and certified copies of electronically filed documents may be purchased at the Clerk’s office during regular business hours. The fee for copying and certifying must be in accordance with the Schedule of Miscellaneous Fees promulgated by the Judicial Conference of the United States pursuant to 28 U.S.C. § 1930(b) which can be found on the court’s website.

**Commentary**

[Source: New]

**LOCAL BANKRUPTCY RULE 5003-1  
RECORDS RETENTION**

The Clerk will maintain paper records according to the following schedule:

- (a) Statement of Social Security number – five (5) years from the filing date;
- (b) Proofs of Claim – three (3) years from the filing date; and
- (c) All others –for such time as the Clerk of Court deems to be necessary and reasonable after entry

## Commentary

[Source: Second Amended GPO 2007-3]

If a party objects to the destruction of records, it may file a motion to extend the time period.

### LOCAL BANKRUPTCY RULE 5005-4 ELECTRONIC FILING

**(a) Application of Rule:** This L.B.R. applies to attorneys who file, on average, one or more documents per week and others as ordered or authorized by the court. The attorneys subject to this L.B.R. must register to be electronic filers. Any attorney who is an electronic filer and who signs a document intended for filing as an attorney must file the document electronically. Attorneys who file, on average, less than one document per week may, at their discretion, file documents in an electronic format. Only attorneys and their supervised staff may become electronic filers.

**(b) Mandatory Electronic Filing Requirements:** In lieu of filing petitions, pleadings and other papers in hard copy format as prescribed in L.B.R. 9004-1 and other rules, electronic filers must file documents in an electronic format. The court may, in any matter at any time, request that a copy of a document be submitted to the judge in paper format.

**(c) Electronic Records:** Except for documents that exceed the court's electronic storage capability found on the court's website, all documents filed with the court, either electronically or in paper format, will be converted to and stored as electronic documents. The electronic files, consisting of the images of documents filed in cases or proceedings and documents filed by electronic means, constitute the official record of the court together with any other records kept by the Clerk.

**(d) Electronic Signature:** The use of an attorney's password to file a document electronically constitutes the original signature of that attorney for purposes of FED. R. BANKR. P. 9011.

**(e) Password Non-Transferable:** Each attorney, law firm or other person that obtains a password for electronic filing is responsible for its security and use. No attorney, law firm or other person may knowingly permit or cause to permit an electronic filer's password to be utilized by anyone other than an authorized member, employee or agent of the electronic filer's law firm.

**(f) Waiver of Notice and Service by Mail:** The request for and receipt of an electronic filing password from the court constitutes a request for, and consent to, electronic service pursuant to FED. R. BANKR. P. 9036 of all notices, orders, decrees and judgments *issued*



*by the court* and, except as otherwise provided in these L.B.R., a waiver of the right to receive all notice and service by mail *from the court*.

**(g) ECF Procedures:** Electronic filers must follow the ECF Procedures as defined in L.B.R. 9001-1(a)(6). Future versions of the procedures as published by the court will be effective the date of the published revision. In case of conflict between these L.B.R. and the ECF Procedures, the ECF Administrative Procedures in L.B.R. 5005-4App. control.

**(h) Registration and Filing Requirements:** Information regarding the procedures for registration and instructions on how to file cases electronically are found in L.B.R. 5005-4App. Categorization of documents can be found on the court's website at [www.cob.uscourts.gov](http://www.cob.uscourts.gov).

**(i) Electronic Filer Agreement:** Electronic filers must enter into an agreement with the court contained on the Electronic Filer Registration Form found in the ECF Administrative Procedures in L.B.R. 5005-4App.

**(j) Docket:** The electronic filing of a document in accordance with the ECF Procedures constitutes entry of that document on the docket kept by the Clerk pursuant to FED. R. BANKR. P. 5003. All orders, decrees, judgments and proceedings of the court will, in accordance with the ECF Procedures, be entered on the docket kept pursuant to FED. R. BANKR. P. 5003 and for the purposes of FED. R. BANKR. P. 9021.

**(k) Retention of Original Signatures:** Electronic filers may file all electronic documents with electronic signatures. Documents that require the signature of the debtor shall be maintained by the electronic filer with the original signature(s) in paper form for two years following the expiration of all time periods for appeals after entry of a final order terminating the case or proceeding. Documents required to be retained by counsel with actual signatures of the debtor include Form 21, voluntary petition, statements, schedules, lists and amendments thereto.

**(l) Correction of Errors or Omissions:**

(1) Electronic filers notified by the Clerk via a public docket entry of an error or omission in an electronic filing must correct the error or omission by the time stated within the notification. Failure to timely correct the error or omission, unless the court orders otherwise, will result in the erroneous document not being acted upon by the court.

(2) If electronic filers use the incorrect event for the public docket when filing a document, the Clerk may re-enter the document correctly if it is an objection or a document that is easily identified from the document's caption as an emergency motion or a time sensitive motion. Such steps are taken to safeguard the integrity of the court's docket while timely providing an accurate public record for proper case administration,

**(m) Temporary Deactivation or Revocation of Password and Authority to File Electronically:** The court reserves the right to temporarily deactivate an electronic filer's password for failure to comply with this rule, the electronic filer Registration Form agreement or the ECF Procedures. In addition, the court reserves the right to revoke an attorney's authority to file electronically after notice and hearing before the judge assigned to the specific case in which the attorney has failed to comply with the ECF Procedures or has engaged in other misuse of the electronic case filing system.

### **Commentary**

[Source: GPO 2001-8]

See L.B.R. 9004-1, 9011-1, 9036-1, and L.B.R. 5005-4App. Parties should also check the court's website.

Documents requiring signatures of more than one party may be filed electronically provided the document contains all necessary signatures whether those signatures are electronic or original.

### **LOCAL BANKRUPTCY RULE 5010-1 REOPENING CASES**

**(a) Motions:** Motions to reopen bankruptcy cases must be accompanied by the payment of any prescribed filing fees. Copies of the motion must be served on the United States Trustee, the trustee previously assigned to the case, the twenty (20) largest unsecured creditors in a chapter 11 case, and upon any party against whom relief will be sought upon reopening of the case.

**(b) Filing Fees:** Payment of the filing fee to reopen a bankruptcy case, when a motion is filed by a trustee to reopen a case due to the discovery of additional assets in the estate, is payable at the time the motion to reopen is filed. The trustee may file a motion to have the payment of the fee delayed until there are sufficient assets in the estate to pay such fee.

**(c) Filing Complaint to Determine Dischargeability of Debt:** An adversary proceeding to determine the dischargeability of a debt under FED. R. BANKR. P. 4007(b) or for declaratory relief regarding the effect of a discharge under 11 U.S.C. § 524(a) may be commenced, maintained and concluded whether or not the underlying bankruptcy case has been closed under FED. R. BANKR. P. 5009 or reopened under FED. R. BANKR. P. 5010, unless otherwise ordered by the court.

## Commentary

[Source: L.B.R. 510]

Absent a court order, there is no exception to the requirement to pay the appropriate filing fees for a motion to reopen a case in order for the debtor to file the Debtor's Financial Management Certificate so that a discharge may be entered.

### LOCAL BANKRUPTCY RULE 5011-1 MOTIONS FOR WITHDRAWAL OF THE REFERENCE

**(a) Motion:** A motion for withdrawal of a case or proceeding must be accompanied by payment of the prescribed filing fee and be filed with the Clerk together with such other portions of the record as may be necessary for consideration of the motion.

**(b) Service:** Copies of the motion must be served on the debtor, the United States Trustee, any case trustee, the twenty (20) largest unsecured creditors in a chapter 11 case, those requesting notice and upon any party against whom relief is sought in the proceeding.

**(c) Objection:** Within fourteen (14) days after service of a copy of the motion, a party in interest may file with the Clerk, and serve on the movant and the other parties to the proceeding, an objection to the motion and a designation of any additional portions of the record for the district court's determination of the motion.

**(d) Reply:** The movant may file a reply within seven (7) days of service of an objection.

**(e) Record:** The Clerk of the Bankruptcy Court will refer the motion and record to the Clerk of the U.S. District Court for hearing before that court pursuant to FED. R. BANKR. P. 5011(a).

## Commentary

[Source: L.B.R. 511]

### LOCAL BANKRUPTCY RULE 5073-1 PHOTOGRAPHY, RECORDING DEVICES & BROADCASTING

The use or operation of any camera, recording device, photo-capable cellular phone or other mechanical means for the visual reproduction of the likeness of an individual or object, or for the auditory reproduction of a voice or sound, is prohibited inside all courtrooms occupied by the court and in all rooms used for meetings pursuant to 11 U.S.C. § 341 except as otherwise provided by the Judicial Conference. This rule also applies to those participating in a hearing or meeting by telephone, video conference, or

other means from outside the courtroom or meeting rooms. The use or operation of any such device is further prohibited in all other premises occupied by the court except as proscribed by the U.S. District Court. This L.B.R. is not applicable to employees of the court or designees of the United States Trustee or to any certified court reporter acting pursuant to their official duties. The court in its discretion may waive this L.B.R.

#### **Commentary**

[Source: L.B.R. 507(c)]

### **LOCAL BANKRUPTCY RULE 5095-1 INVESTMENT OF ESTATE FUNDS**

**Deposits to the Registry:** No funds may be deposited to or withdrawn from the court registry except as authorized by court order. Such an order must specify in detail the amounts deposited by or to be paid to any party, and must state the names and addresses of any person or company to whom funds are to be paid. Funds may be deposited into an interest-bearing account upon obtaining a specific order so directing. A copy of the order must be personally served on the Clerk by the party who obtained the order.

#### **Commentary**

[Source: L.B.R. 505(c)]

See also FED. R. BANKR. P. 7067.

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**LOCAL BANKRUPTCY RULE 6004-1**  
**SALE OF ESTATE PROPERTY**

**(a) Sales Free and Clear of Liens:** A motion to sell free and clear of liens under 11 U.S.C. § 363(f) must identify by name the lienholders whose property rights are affected by the motion. The affected lienholders must be served with a complete set of moving papers pursuant to FED. R. BANKR. P. 7004(b). The motion must allege the factual basis demonstrating that the motion comes within one or more subsections of 11 U.S.C. § 363(f)(1)-(5). If the motion does not so identify the lienholders, it will be considered as an application to sell property subject to existing liens.

**(b) Bidding Procedures:** A motion to approve procedures for bidding for an asset or assets may be filed separately in advance of filing a sale motion or combined with the sale motion, and in appropriate circumstances, on more limited and shortened notice than the sale motion.

**(c) Form of Order:** The proposed form of order granting a motion to sell free and clear of liens must specify each lienholder whose interest is to be affected by the order and whether such liens will attach to the proceeds of the sale.

**Commentary**

[Source: L.B.R. 604 and N.D. Cal.]

See L.B.R. 2002-1, 2081-1, 9013-1 and FED. R. BANKR. P. 6003 and 9006.

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**LOCAL BANKRUPTCY RULE 7001-1**  
**ADVERSARY PROCEEDINGS - GENERAL**

**(a) Adversary Captions:** All pleadings in an adversary action must have a caption in substantial conformity with Director's Procedural Form 16D. The caption must also state the initials of the judge assigned to the complaint.

**(b) Cover Sheet:** A cover sheet in substantial conformity with Director's Procedural Form 104 must accompany all adversary proceeding complaints that are not electronically filed.

**(c) Proper Sequence for Adversary Proceeding Filings (Paper Filers Only):** The following forms are separate documents. Please do not staple them together:

- (1) Adversary Proceeding Cover Sheet (Director's Procedural Form 104) - Original Only
- (2) Complaint - Original
- (3) Summons - Original.
- (4) Emergency Motions, if any

**Commentary**

[Source: LBR 105(c) and 102(f)]

Electronic filers should follow current ECF Procedures which can be found on the court's website at [www.cob.uscourts.gov](http://www.cob.uscourts.gov) and L.B.R. 5005-4App.

**LOCAL BANKRUPTCY RULE 7007-1**  
**ADVERSARY PROCEEDINGS – RESPONSES TO MOTIONS**

**Response Period:** Unless otherwise provided for by a statute, rule or court order, any response to a motion must be filed with the court and served on interested parties within fourteen (14) days after service of the motion. Replies to responses to motions may be filed only after obtaining leave of the court. Motions will be set for oral argument only if the court determines oral argument may be of assistance.

**Commentary**

[Source: New]

This rule also applies where the court directs the use of FED. R. BANKR. P. 7000 series of adversary proceeding rules in a specific contested matter.

## **LOCAL BANKRUPTCY RULE 7007.1-1 CORPORATE OWNERSHIP STATEMENT**

The Corporate Ownership Statement required under FED. R. BANKR. P. 7007.1 must be in substantial conformity with [L.B. Form 1007-4.1](#).

### **Commentary**

[Source: New.]

See L.B.R. 1007-4.

## **LOCAL BANKRUPTCY RULE 7016-1 PRE-TRIAL PROCEDURE FOR ADVERSARY PROCEEDINGS**

Each division will provide parties with instructions once the case is at issue.

### **Commentary**

For additional information, see L.B.R. 7026-1 and each division's website.

## **LOCAL BANKRUPTCY RULE 7026-1 DISCOVERY - GENERAL**

**(a) Discovery and Trial Schedule:** When an adversary proceeding is at issue, the court may direct the parties to develop a discovery plan and pre-trial deadlines and file a joint report on the same pursuant to FED. R. CIV. P. 26(b) or, in its discretion, may set a trial.

**(b) Depositions:** Unless otherwise agreed by the parties and the deponent or ordered by the court, reasonable notice for the taking of depositions or conducting examinations under FED. R. BANKR. P. 7030 (FED. R. CIV. P. 30(b)(1)) is at least fourteen (14) days.

**(c) Discovery Material:** Discovery materials - - including deposition transcripts, interrogatories and answers, requests for production or inspection, requests for admissions and responses to them, and all initial disclosures - - are not to be filed with the court unless they are the subject of a discovery motion or as otherwise ordered. If interrogatories, requests, answers, responses, or other disclosures are to be used at hearing or trial, the portions to be used shall be marked and prepared for offering as evidence(s) at the outset of the hearing or trial insofar as their use can reasonably be anticipated.

**(d) Motions to Compel or for Protective Orders:** Motions under FED. R. BANKR. P. 7026 and 7037 seeking the type of relief provided for in FED. R. CIV. P. 26(c) and 37(a), directed to interrogatories or requests under FED. R. BANKR. P. 7033 or 7034, or to

responses thereto, must set forth the interrogatory, request and response constituting the subject matter of the motion. The filing of a motion for protective order stays the discovery in question pending further order of the court.

#### **Commentary**

[Source: L.B.R. 726]

This rule is intended to supplement the Federal Rules of Civil Procedure with respect to discovery and discovery disputes, Fed. R. Bankr. P. 7026 through 7037.

### **LOCAL BANKRUPTCY RULE 7026-2 SPECIAL PROVISIONS REGARDING LIMITED AND SIMPLIFIED DISCOVERY**

**(a) Applicability:** Unless modified by order of the court or by written agreement of the parties, the provisions of this L.B.R. apply in all adversary proceedings and contested matters under FED. R. BANKR. P. 7001 and 9014.

**(b) Depositions:** A party may take the deposition of only three (3) persons.

**(c) Interrogatories:** A party may serve only one (1) set of written interrogatories upon each adverse party. The number of interrogatories to any one party must not exceed thirty (30), each of which shall consist of a single question.

**(d) Other Discovery:** In all other respects, the Federal Rules of Bankruptcy Procedure govern the procedures and manner of taking discovery.

**(e) Additional Discovery:** A request for discovery beyond that which is provided for herein may be made by the parties in their joint FED. R. BANKR. P. 7026 written report. Unless the parties otherwise agree, any requests after the filing of the written report must be made by motion.

#### **Commentary**

[Source: L.B.R. 726.1]

### **LOCAL BANKRUPTCY RULE 7041-1 NOTICE REQUIREMENTS FOR DISMISSAL OF PROCEEDINGS TO DENY DISCHARGES**

**(a) Motion Required to Dismiss Complaint Denying or Revoking Discharge:** No adversary proceeding objecting to a debtor's discharge under 11 U.S.C. §§ 727, 1141, 1228 or 1328 will be dismissed except on motion filed in the adversary proceeding, with



notice and an opportunity to object served upon the United States Trustee and the case trustee, and other parties as the court may direct. The motion must disclose all terms of any agreement made between the plaintiff and the debtor in relation to the litigation and its proposed dismissal.

**(b) Procedures.** Motions under this section must use [L.B. Form 7041.1](#) and the notice and hearing procedures in L.B.R. 9013-1. Appropriate orders may be requested using [L.B. Forms 9013-1.3](#) or [9013-1.4](#), as applicable.

### **Commentary**

[Source: New.]

[See L.B. Form 7041-1](#) and Official Form 16 D for adversary caption.

## **LOCAL BANKRUPTCY RULE 7055-1 DEFAULT – FAILURE TO PROSECUTE**

**(a) Entry of Default:** To obtain entry of default pursuant to FED. R. CIV. P. 55(a), the party seeking entry of default must file a motion requesting entry of Clerk’s default, together with a supporting affidavit verifying the following:

- (1) The party against whom default is sought has been properly served with a summons and a complaint, including the date of the issuance of the summons and the date of service of the summons and complaint. A copy of the summons and the proof of service must be attached as exhibits;
- (2) The party has failed to plead or otherwise defend within the allowed time;
- (3) The party against whom default is sought has not requested or has not been granted an extension of time to plead or otherwise defend.

**(b) Default Judgment:** A party seeking the entry of a default judgment must file a motion for default judgment containing the following:

- (1) A request for entry of default judgment;
- (2) An affidavit in support of default judgment, executed by an individual having personal knowledge of the facts therein, which sets forth with specificity each element of any claim on which judgment is requested. In cases involving individuals, the supporting affidavit must allege that the defendant is not an infant or incompetent person, unless represented in the action by a general guardian, committee, conservator, or other such representative who has appeared in the action;

- (3) In cases involving individuals, the SCRA affidavit required by L.B.R. 4002-2;
- (4) If appropriate, documentary evidence to support the allegations in the affidavit (attached as exhibits);
- (5) A proposed form of order approving the motion; and
- (6) A proposed form of judgment.

**(c) Proof Hearing:** The court will advise the party seeking entry of default judgment of the time and date of a proof hearing, if required.

### **Commentary**

[Source: New.]

See also FED. R. BANKR. P. 9023 and 9024 and FED. R. CIV. P. 55.

## **LOCAL BANKRUPTCY RULE 7056-1 SUMMARY JUDGMENT**

**(a) Motion and Memorandum in Support:** Any motion for summary judgment pursuant to FED. R. BANKR. P. 7056, must include:

- (1) a statement of the burden of proof;
- (2) the elements of the claim(s) that must be proved to prevail on the claim(s);
- (3) a short and concise statement, in numbered paragraphs containing only one fact each, of the material facts as to which the moving party contends there is no genuine issue to be tried;
- (4) a statement or calculation of damages, if any; and
- (5) any and all citations of law in support of judgment as a matter of law, explaining the relevance of each citation.

**(b) Response and Memorandum in Opposition:** Papers opposing a motion for summary judgment must include:

- (1) any competing statements concerning the burden of proof, including burden shifting, together with legal authority supporting such statements;
- (2) any defenses to the elements of the claim(s) that must be proved to defeat such claim(s);
- (3) a short and concise statement of agreement or opposition, in numbered paragraphs corresponding to those of the moving party, of the material facts as to which it is contended there is a genuine issue to be tried;

- (4) a short and concise statement, in numbered paragraphs containing only one fact, of any additional facts as to which the opposing party contends are material and disputed,
- (5) a statement or calculation of damages, if any; and
- (6) any and all citations of law in opposition to judgment as a matter of law, with a parenthetical to explain the relevance of each citation.

**(c) Supporting Evidence:** Each statement by the movant or opponent pursuant to subdivisions (a) or (b) of this rule, including each statement controverting any statement of material fact by a movant or opponent, shall be followed by citation to admissible evidence either by reference to a specific paragraph number of an affidavit under penalty of perjury or fact contained in the record. Affidavits must be made on personal knowledge and by a person competent to testify to the facts stated, which are admissible in evidence. Where facts referred to in an affidavit are contained in another document, such as a deposition, interrogatory answer, or admission, a copy of the relevant excerpt from the document must be attached with the relevant passages marked or highlighted.

**(d) Admission of Facts:** Each numbered paragraph in the statement of material facts served by the moving party shall be deemed admitted for purposes of the motion unless specifically controverted by a correspondingly numbered paragraph in the statement served by the opposing party.

**(e) Responsive Pleadings:** Unless otherwise ordered by the court, a response to a motion for summary judgment must be filed and served no later than fourteen (14) days from the date of service of the motion. Replies of any kind may only be filed as provided in the pretrial order or upon leave of court.

**(f) Compliance with Federal Rules:** The statements required by this L.B.R. are in addition to the material otherwise required by these rules and the applicable Federal Rules of Bankruptcy Procedure.

**(g) Non-Compliance:** Non-compliance with this L.B.R. is grounds for denial of the motion at the court's discretion.

### **Commentary**

[Source: Standing Order 2004-1 SBB dated July 28, 2004.]

## **LOCAL BANKRUPTCY RULE 7069-1 PAYMENT OF JUDGMENT**

**(a) Forms:** Except as otherwise directed by the judge, parties must use the applicable forms approved by the State of Colorado for use in Colorado courts whenever a provisional remedy is sought or a judgment is enforced in accordance with state law as

provided in FED. R. BANKR. P. 7064 and 7069. The caption must conform to Bankruptcy Official Form 16B rather than the form of caption used in the Colorado courts.

**(b) Discovery in Aid of Enforcement of Judgments:** A judgment creditor may not use FED. R. BANKR. P. 2004 to collect information for use in enforcing a judgment.

#### **Commentary**

[Source: C.D. Cal.]

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**LOCAL BANKRUPTCY RULE 8001-1  
NOTICE OF APPEALS**

**(a) Appeals Filed with the Bankruptcy Court:** An original notice of appeal in substantial conformity with Bankruptcy Official Form 17 must be filed with the Clerk.

**(b) Electronic Filing:** L.B.R. 5005-4 applies to appeals and therefore appeals are not exempt from the electronic filing procedure. Mandatory electronic filers must file appeals from bankruptcy court orders and all appellate related documents required to be filed with this court through the ECF system. Appellate related documents required to be filed with the appellate court must be filed in accordance with the practice of that court.

**(c) Filing Fees:** Parties must submit the appropriate filing fee to the bankruptcy court.

**Commentary**

[Source: COB LBR 801]

Parties are advised to become familiar with the local rules of the court before which their appeal is filed. Once the appeal is docketed by the appellate court, additional papers must be filed with the appropriate appellate court.

**LOCAL BANKRUPTCY RULE 8001-3  
ELECTION FOR DISTRICT COURT DETERMINATION OF APPEAL**

**(a) U.S. District Court Election:**

**(1) Appellant:** If appellant elects to have the appeal heard in the district court pursuant to 28 U.S.C. § 158(c)(1) that fact must be stated clearly in a separate pleading which must be filed at the same time as the notice of appeal.

**(2) Any Other Party:** Any other party may elect to have the appeal heard by the district court not later than 30 days after service of the notice of the appeal by filing a notice of election with the Bankruptcy Appellate Panel.

**(b) Cross-Appeals:** Each party filing a notice of appeal electing to have its appeal heard in the district court pursuant to 28 U.S.C. § 158(c)(1) must state that fact clearly in a separate pleading which must be filed at the same time as the notice of appeal.

## Commentary

[Source: OKEB LBR 8001-3]

In the event of a cross-appeal, if the cross-appellant does not make an election, the cross-appeal will be sent to the BAP regardless of where the original appeal is being heard.

See Bankruptcy Appellate Panel Local Rule 8001-1.

### LOCAL BANKRUPTCY RULE 8004-1 SERVICE OF NOTICE OF APPEAL

**(a) Appeal Service List:** In order to comply with FED. R. BANKR. P. 8004, immediately upon the filing of a notice of appeal or motion for leave to appeal an interlocutory order, the Clerk will create and file an appeal service list.

**(b) Service:** In addition to the provisions of FED. R. BANKR. P. 8004, the Clerk will serve the following upon the parties specified in the appeal service list:

**(1) Appeal as of Right:** In the case of a notice of appeal pursuant to FED. R. BANKR. P. 8001(a):

- (A) copies of the docket bearing the title and document number, if applicable, of all documents recorded within the case which relate to the cause of action and order being appealed;
- (B) a transcript order form;
- (C) an instruction sheet which is included as an exhibit to the Clerk's notice; and
- (D) a copy of the appeal service list.

**(2) Appeal by Leave:** In the case of a motion for leave to appeal an interlocutory order pursuant to FED. R. BANKR. P. 8001(b), in addition to the notice of appeal:

- (A) an instruction sheet; and
- (B) a copy of the appeal service list.

## Commentary

[Source: COB LBR 804]

**LOCAL BANKRUPTCY RULE 8006-1  
DESIGNATION OF RECORD - APPEAL**

**Designation of Record on Appeal:** The provisions of FED. R. BANKR. P. 8006 govern the designation of the record on appeal. Supplemental designations of record will not be allowed except upon motion with notice to opposing parties and counsel, and only by order of the court.

**Commentary**

[Source: COB LBR 806]

**LOCAL BANKRUPTCY RULE 8007-1  
COMPLETION OF RECORD - APPEAL**

**Notice of Transcript Request:** If a party has requested that a transcript be prepared by a transcription service, that party must notify the Clerk by filing a Notice of Transcript Request, including the anticipated arrival date of the transcript, concurrently with the filing of the designation of record. Upon the filing of a notice of appeal, the Clerk will notify the appellate court of its filing, which constitutes transmission of the record on appeal.

**Commentary**

[Source: COB LBR 807]

See also [L.B.F. 8007-1.1](#) for Notice of Transcript Request and [8007-1.2](#) for Acknowledgment of Transcript Request by Transcriber.

**LOCAL BANKRUPTCY RULE 8008-1  
FILING PAPERS - APPEAL**

**Service:** Parties to an appeal must comply with the service provisions of FED. R. BANKR. P. 8008(b) by serving copies of all papers filed upon all persons on the appeal service list prepared under L.B.R. 8004-1(a).

**Commentary**

[Source: COB LBR 808]

**LOCAL BANKRUPTCY RULE 9001-1**  
**DEFINITIONS**

(a) In these rules the following definitions apply in addition to the definitions in section 101 of title 11 of the United States Code, and FED. R. BANKR. P. 9001:

- (1) “certificate of service” means a statement specifically identifying who was served, at what address(es), when they were served and the method of service.
- (2) “Clerk” means Clerk of the Bankruptcy Court or such appointed deputies.
- (3) “CM/ECF” means Case Management/Electronic Case Filing.
- (4) “Creditor Address Mailing Matrix” means a list of all creditors and parties in interest in the case as provided by the debtor as updated, maintained and stored by the court and accessible as described in L.B.R. 1007-2 and L.B.R. 1007-2App.
- (5) “days” means “calendar days,” unless otherwise specified as “court days.” FED. R. BANKR. PRO. 9006(a)’s time computation rules are *not* superseded by these L.B.R.
- (6) “ECF Procedures” means electronic case filing procedures as provided, and updated, in (a) these L.B.R., (b) the L.B.R. Appendix, including the ECF Administrative Procedures at L.B.R. 5005-4App., and (3) the court’s webpage.
- (7) “Electronic Service” or “Electronic Notice” means documents sent via electronic mail with “Notice of Pleadings” in the subject line.
- (8) “e-mail” means electronic mail.
- (9) “meet and confer” means a conference between opposing parties initiated by the movant in an effort to resolve the dispute. If a conference has not taken place, the movant or respondent, or their counsel, must submit a statement describing the efforts made to accomplish the required meet and confer.
- (10) “pro se” means a person who is not represented by an attorney.
- (11) “verification” or “verified pleading” means an unsworn declaration as defined in 28 U.S.C. § 1746, including a statement in substantial conformity with the following: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).”



## Commentary

[Source: New]

**Meet and confer:** The purpose of requiring a “meet and confer” is to assist the parties in resolving their disputes without the necessity and expense of court intervention. Therefore, facsimiles and electronic mail by themselves may not suffice. Despite advances in technology, human contact is often necessary for conflict resolution. Therefore, if a meet and confer is unsuccessful when done by e-mail, it may be necessary to communicate by telephone or in person.

### **LOCAL BANKRUPTCY RULE 9004-1 PAPERS – REQUIREMENTS OF FORM**

**(a) Form of Documents Submitted to the Court:** All petitions, pleadings, and other documents filed or served in hard copy or electronically must be plainly and legibly typewritten on single sided paper, without being materially defaced by erasures, interlineations, or strikeouts. If the pleading must be handwritten, it must be printed legibly in blue or black ink. The use of abbreviations other than those approved by the current edition of The Blue Book Uniform System of Citation is prohibited.

**(b) Form of Paper Submissions:** For hard copy documents submitted to the court, the paper used must be standard weight, white, and approximately 8 1/2 by 11 inches in size. Unless otherwise specified in these L.B.R., the upper margin of each sheet must be not less than 1/2 inch, the left-hand margin must be not less than one inch, the print size must be no smaller than 12 point font, and the pages must be fastened with a paperclip, not stapled, at the top-left without backs or covers.

**(c) Form of Documents Sent for Notice:** In the interest of conserving paper, documents sent for notice may use 10 point font and may be printed using “book style” (two pages of text on one side front and back of one piece of paper) so long as it is legible.

**(d) Page Limitations:** Page limits are set at the discretion of the court. Documents that are longer than twenty (20) pages must include a table of contents and a table of authorities.

**(e) Identifying Information:** All petitions, pleadings, and other documents must contain:

**(1) Attorneys:** the business address, telephone number, facsimile transmission (FAX) number and electronic mail (e-mail) address, if any, and attorney registration number of the attorney filing the document; or

**(2) Pro se (Unrepresented) Parties:** the home address, the mailing address (if different), telephone number and facsimile transmission (FAX) number, if any.

**(f) Attachments:** All documents that are exhibits or attachments to a pleading which is being electronically filed at the same time and by the same party must be electronically filed together under one docket number, e.g. the motion, supporting affidavit or other attachments and proposed order.

**(g) Copies Generally:** The court may, in any matter at any time, request that a copy of a document be submitted to the judge in paper format.

### **Commentary**

[Source: L.B.R. 904]

See L.B.R. 5005-4, L.B.R. 9011-4, L.B.R. 9036-1 and L.B.R. 5005-4App. for additional information on electronic filing, registration and procedures.

Handwritten submissions are strongly discouraged. In the event that a party has no other options, the pleadings must be written in clear and legible print so that the court can easily review and convert the documents to electronic form as necessary.

## **LOCAL BANKRUPTCY RULE 9004-2 CAPTION – PAPERS, GENERAL**

**(a) Captions:** In addition to meeting the requirements of FED. R. BANKR. P. 1005 and Bankruptcy Official Form 16A, the official caption of all pleadings, documents, notices and orders must state:

- (1) the full and correct first, middle, and last names of the debtor. If the debtor has no middle name or if he or she has only a middle initial, that fact must be indicated parenthetically in the caption. If the debtor's name has changed, it should be listed with the new name followed by "f.k.a." ("formerly known as") and the old name;
- (2) the chapter of the Bankruptcy Code under which the case is filed;
- (3) the debtor's federal employer identification number or the last four digits of the debtor's Social Security number or tax identification number (except that notices of the meeting of creditors that are mailed to creditors must include the debtor's full Social Security number); and
- (4) the case number and judge's initials assigned to the proceeding.

**(b) Captions in Matters Concerning Relief from the Automatic Stay:** All motions, pleadings, and responses thereto filed pursuant to L.B.R. 4001-1 must bear a caption in substantial conformity with Bankruptcy Official Form 16D, except that the parties must

be identified as Movant and Respondent rather than Plaintiff and Defendant. Separate case numbers will not be assigned to such motions.

**(c) Responses:** Any objection, reply or other responsive pleading must contain as part of its caption a verbatim recital of the title of the pleading to which the response is directed.

### **Commentary**

[Source: L.B.R. 105 and 904]

See L.B.R. 1007-5 for information on Social Security numbers and privacy.

## **LOCAL BANKRUPTCY RULE 9009-1 FORMS**

Forms designated by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and these L.B.R. must be in substantial conformity with the applicable Official Form, Director's Procedural Form or Local Bankruptcy Form. Orders issued by the court may vary from the form order depending on the circumstances of each case.

### **Commentary**

[Source: L.B.R. 909]

## **LOCAL BANKRUPTCY RULE 9010-1 ATTORNEYS – NOTICE OF APPEARANCE**

**(a) Attorneys Admitted to the U.S. District Court for the District of Colorado:** An attorney admitted and in good standing to practice in the U. S. District Court for the District of Colorado is qualified to practice in this bankruptcy court, subject to the following:

**(1) Address of Record:** The official address of record for an attorney appearing in a bankruptcy case or proceeding is the address appearing below the signature of said attorney on the petition, complaint, motion, pleading, entry of appearance, change of address or other paper most recently filed in the case or proceeding. This address will appear in the respective case or proceeding in the court's automated docket system database notwithstanding other addresses, if any, which may be of record on behalf of the attorney in other cases or proceedings in which the attorney has made an appearance.

**(2) Notice of Change of Address in Each Specific Case or Proceeding:** Attorneys must file and serve a separate notice of change of address in each

pending case or proceeding in which the attorney has previously entered an appearance.

**(3) Local Counsel:** Regardless of whether an attorney is admitted to practice in Colorado or in the U.S. District Court for the District of Colorado, when an attorney is located outside of Colorado and does not have an office in Colorado, the court, in its sole discretion, may impose additional requirements for practice before the bankruptcy court, including that such out-of-state counsel retain local counsel qualified to practice before this court.

**(b) Attorneys Not Admitted to the U.S. District Court for the District of Colorado (Pro Hac Vice):** An attorney who is a member in good standing of the bar in any other state or of any other court of the United States, but not authorized to appear in this court, may, upon motion for admission to practice pro hac vice filed in the bankruptcy court, participate in the conduct of a particular case in this court. Such motions may be made in open court provided that papers are filed within three (3) court days of the hearing. The motion must 1) list all states and federal courts where the attorney is admitted, 2) provide any corresponding bar numbers from jurisdictions where the attorney is admitted and 3) affirm that the attorney is and remains in good standing with each bar listed. Unless otherwise ordered by the court, the motion will be allowed only if the attorney associates with an active member in good standing of the bar of the United States District Court for the District of Colorado, who maintains an office within the district and who will meaningfully participate in the case. The resident attorney must sign the first pleading filed and at least participate in the initial hearing on the matter or as otherwise ordered by the court. Any notice, pleading, or other paper may be served on the resident attorney with the same effect as if served on the non-resident attorney within the state.

**(c) Scope of Employment/Unbundling of Services:** See Administrative Order 2007-6 from the United States District Court for the District of Colorado, and any amendments thereto.

**(d) Disciplinary Matters:** The bankruptcy judges of this court may refer issues relating to professional responsibility or other disciplinary matters to the Disciplinary Panel or Committee on Conduct of the U. S. District Court for the District of Colorado or any other grievance committee of any bar or court of which the attorney in question may be a member.

**(e) Representation of a Corporation, Partnership, or Other Unincorporated Organization:** No corporation, partnership, or other unincorporated organization may file a petition under Title 11 of the United States Code, or otherwise appear in cases or proceedings before this court, unless it is represented by an attorney authorized to practice in this court. Where a corporate debtor is involved, the attorney representing such an entity must sign the petition and pleadings.

**(f) Entry of Appearance:** Attorneys who enter appearances in a case will be placed on the Creditor Address Mailing Matrix for the case as a party in interest and will receive

only copies of notices, orders, and other documents to which parties in interest may be entitled pursuant to FED. R. BANKR. P. 2002 or these L.B.R. In order to receive all documents, counsel must also file a request for all notices.

### **Commentary**

[Source: L.B.R. 910]

See D.C.Colo.LCivR 83.3, The Bar Of The Court.

See also U. S. District Court Administrative Order 2007-6, In the Matter of Rules of Professional Conduct.

## **LOCAL BANKRUPTCY RULE 9010-3 SUPERVISED LAW STUDENTS**

### **(a) Generally:**

(1) With the approval of the bankruptcy judge to whom a bankruptcy case or adversary proceeding has been assigned, an eligible law student who is engaged in a law school clinical program may, under the supervision of an attorney admitted to practice in this court, appear in that matter on behalf of any party who has consented in writing.

(2) Unless otherwise limited, such appearance authorizes the student to appear in a matter in court or other related proceedings when accompanied by the supervising attorney and to prepare and sign court papers which are also signed by the supervising attorney.

### **(b) Student Eligibility:** To be eligible, the student must:

(1) be enrolled in a law school accredited by the American Bar Association or, following graduation, be preparing to take a written bar examination or awaiting admission to the Bar following that examination;

(2) be enrolled in, or have successfully completed a law school clinical program;

(3) have completed two full semesters of law school, including a course in evidence;

(4) be certified by the law school dean (or the dean's designee) as qualified to provide the legal representation permitted by this rule. This certification may be withdrawn by the certifier at any time by mailing notice to the court;

(5) be introduced to the court by the supervising attorney;

(6) not receive compensation of any kind from the client. This shall not affect the ability or right of an attorney or law school clinical program to seek attorney fees which may include compensation for student services; and

(7) certify in writing that he/she is familiar with the FED. R. CIV. P., Federal Rules of Evidence, FED. R. BANKR. P. and this court's L.B.R. and website ([www.cob.uscourts.gov](http://www.cob.uscourts.gov)).

**(c) Supervising Attorney:** The attorney supervising a student must:

- (1) be a member in good standing of the bar of this court;
- (2) supervise students in a clinical program of an eligible law school;
- (3) maintain appropriate professional liability insurance for the supervising attorney and eligible students;
- (4) introduce the student to the court;
- (5) assume professional responsibility for the student's work;
- (6) be present whenever the student appears;
- (7) sign all pleadings; and
- (8) file a written agreement to supervise a student in accordance with this L.B.R..

**(d) Admission Procedure:**

- (1) The student, dean (or designee), supervising attorney and the client must complete the Law Student Appearance form, [L.B. Form 9010-3.1](#), as found on the court's website which must be filed with the Clerk.
- (2) The student's appearance is not authorized until approved by the bankruptcy judge, which approval may be withheld or withdrawn for any reason without notice or hearing.

### **Commentary**

[Source: GPO 2005-3 which is an adoption of General Order 2005-3 of the U.S. District Court for the District of Colorado.]

## **LOCAL BANKRUPTCY RULE 9010-4 ATTORNEYS - WITHDRAWAL**

**(a) Withdrawal of Appearance:** An attorney who has appeared in a case or proceeding may seek to withdraw on motion showing good cause. Withdrawal is only effective upon court order after proper service of the motion and notice. A motion to withdraw must state the reasons for withdrawal unless the statement would violate the Rules of Professional Conduct. This L.B.R. also applies to substitute counsel.

**(b) Notice Requirements for Withdrawal:** Any attorney requesting to withdraw as counsel for a client must make a reasonable effort to give actual notice to the client and file a motion pursuant to L.B.R. 9013-1 including the following:

- (1) the attorney wishes to withdraw;
- (2) the court retains jurisdiction;
- (3) the client's last known address and telephone number;
- (4) the client has the burden of keeping the court informed of the mailing address where notices, pleadings or other papers may be served;
- (5) the client has the obligation either to prepare personally for any hearing or trial in a contested matter or adversary proceeding or to hire another attorney to prepare for any future hearing or trial;
- (6) the client is responsible for complying with all court orders and time limitations established by any applicable statute, rule, or L.B.R.
- (7) if another attorney is not hired, the client has the obligation to decide whether to respond to any motion that may be filed in the case after the withdrawal of counsel, to file a timely response, and to respond to any court orders requiring the client to respond;
- (8) if the client fails or refuses to meet these burdens, the client may suffer sanctions, including default or dismissal of the pending contested matter, adversary proceeding, or the client's bankruptcy case in some circumstances;
- (9) the dates of any pending matters and filing deadlines, including trials and hearings on contested matters or adversary proceedings, and a warning that such matters will not be delayed or affected by the withdrawal of counsel;
- (10) service of process may be made upon the client at the client's address in the court's database;
- (11) where the withdrawing attorney's client is a corporation, partnership, or other legal entity, that such entity cannot appear without counsel admitted to practice before this court, and absent prompt appearance of substitute counsel, pleadings, motions and other papers may be stricken, and default judgment or other sanctions may be imposed against the entity including dismissal or conversion of its case if it is a debtor; and
- (12) the client or other parties in interest have the right to object to the proposed withdrawal of counsel by filing with the court an objection to the attorney's motion to withdraw within fourteen (14) days after mailing of the notice.

**(c) Service:** The motion to withdraw and notice must be filed with the court and served on the client and all counsel of record.

#### **Commentary**

[Source: (1) L.B.R. 910, (2) U.S. District Court Rule 83.3.D. (3) C.R.C.P. Rule 121, Section 1-1]

### **LOCAL BANKRUPTCY RULE 9011-4 SIGNATURES AND E-FILING**

**Electronic Signature:** Any petition, schedule, statement, declaration, claim, order, opinion, judgment, notice, minutes of proceeding or other document filed and authorized or subscribed under any method (digital, electronic, scanned) will be treated for all purposes (both civil and criminal, including penalties for perjury) in the same manner as though manually signed or subscribed.

#### **Commentary**

[Source: GPO 2001-8, 4<sup>th</sup> Amended and N.B. Cal. 9011-1]

See L.B.R. 5005-4, L.B.R. 9004-1, L.B.R. 9036-1, L.B.R. 5005-4App and additional ECF Procedures on the court's webpage at [www.cob.uscourts.gov](http://www.cob.uscourts.gov).

### **LOCAL BANKRUPTCY RULE 9013-1 MOTIONS PRACTICE**

#### **(a) Seeking Relief:**

##### **(1) Motion, Application or Other Request for Relief:**

**(A) Documents to be Served:** When a statute, rule, or court order requires service of a motion or other pleading, service must include copies of the motion, including exhibits, notice and any proposed order.

**(B) Service of Documents:** Service of the documents in (a)(1)(A) must be made on those parties against whom relief is sought pursuant to FED. R. BANKR. P. 7004 and 9014, or as otherwise required by statute, rule or court order.

**(C) Proposed Orders:** All motions, applications or other requests for relief must be accompanied by a proposed order on a separate sheet of paper.



**(2) Notice:** When a statute, rule or court order requires “notice and a hearing” or other similar phrase, the following applies:

**(A) Form of Notice:** The movant must use the form of notice in substantial conformity with [L.B. Form 9013-1.1](#). The notice must contain a specific statement describing the requested relief or intended action to be taken, in sufficient detail to meaningfully inform the parties receiving the notice.

**(B) Notice of Deadline to File an Objection and Request for Hearing:** The notice must state the specific date of the deadline to object and request a hearing, which must be a date on which the court is scheduled to be open for business, and not just the number of days within which to object. Unless otherwise ordered by the court, the objection deadline date must not be less than is prescribed in the Code, FED. R. BANKR. P. or these L.B.R. If no deadline is so provided, then the notice period must not be less than fourteen (14) days from the mailing of the notice.

**(C) Notice to All:** For notice to all creditors and parties in interest see Creditor Address Mailing Matrix in L.B.R. 1007-2(c)App.

**(3) Certificate of Service:** Movant must use the form of certificate of service in substantial conformity with [L.B. Form 9013-1.2](#).

**(b) Objections and Requests for Hearing:** Objections and requests for hearing must be filed with the court and a copy thereof must be served upon counsel for the movant (or movant, if unrepresented) on or before the objection deadline set forth in the notice. Objections and requests for hearing must clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. General objections will not be considered. Failure of the responding party to timely file a written opposition may be deemed a waiver of any opposition to granting of the motion, the relief requested, or the action to be taken.

**(c) Certificates Requesting Court Action:**

**(1) Movant’s Certificate of Non-Contested Matter:** In the event that no objection is filed or a stipulation has been reached, the movant should, not earlier than three (3) court days following the objection deadline set forth in the notice, file movant’s Certificate of Non-Contested Matter and Request for Entry of Order, [L.B. Form 9013-1.3](#). The Certificate of Non-Contested Matter must be verified by the movant, or movant’s counsel, and include all information and docket numbers required by [L.B. Form 9013-1.3](#).

**(2) Movant's Certificate of Contested Matter:** In the event that an objection is filed, the movant should, not earlier than three (3) court days following the date to object specified in the notice, file movant’s Certificate of Contested Matter and

Request for Hearing, [L.B. Form 9013-1.4](#). The Certificate of Contested Matter must be verified by movant or movant's counsel and include all information and docket numbers required by [L.B. Form 9013-1.4](#). A copy of the Certificate of Contested Matter must be served on each respondent.

**(3) Respondent's Certificate of Contested Matter:** Although the movant bears the burden of timely filing a Certificate of Contested Matter, the respondent may, not earlier than seven (7) days following the date to object specified in the notice, file respondent's Certificate of Contested Matter and Request for Hearing, [L.B. Form 9013-1.4](#). The Certificate of Contested Matter must include all information and docket numbers required by [L.B. Form 9013-1.4](#). A copy of the Certificate of Contested Matter must be served on the movant and any other respondent.

**(d) Hearing:**

**(1) Hearing:** Upon the filing of the Certificate of Contested Matter, the court will issue a notice of the date, time and place of the hearing. The notice will be served by the court to the movant and respondents at their addresses or their attorneys' addresses of record (either by U.S. mail or electronically) and to such other parties as the court may designate.

**(2) Evidentiary or Non-Evidentiary Hearing:** The notice of hearing will advise the parties whether the hearing will be an evidentiary or non-evidentiary hearing.

**(3) Expedited Hearing:** A motion for expedited hearing may be filed pursuant to FED. R. BANKR. P. 9006(c) and L.B.R. 2081-1. Such request must be filed as a separate motion.

**(e) Defective or Deficient Motion:** Failure to comply with the motion, notice and service requirements of the FED. R. BANKR. P. or these L.B.R. may result in the denial of your motion, application or other request for relief.

**(f) Non-Prosecuted Motions:** Any contested matter unresolved at the time the bankruptcy case is closed is moot and will be deemed denied for lack of prosecution. Any such denial is without prejudice.

**Commentary**

[Source: L.B.R. 202 and new]

This process is strictly a mechanism for providing an opportunity to be heard without requiring the court to unnecessarily calendar all motions and applications for a hearing. Parties must read this L.B.R. in conjunction with other applicable Code sections and FED. R. BANKR. P. to address the questions of (1) whom to serve; (2) with what; (3) in what manner; and (4) the amount of time afforded to file an objection. Parties are advised to be mindful of the distinction between notice (as may be required by FED. R. BANKR. P.

2002 and other notice provisions) and service (as may be required by FED. R. BANKR. P. 9014 incorporating FED. R. BANKR. P. 7004).

See also L.B.R. 1007-2 and 2002-1 for more information on the Creditor Address Mailing Matrix.

Unless otherwise provided by these L.B.R. or order of the court, this rule does not apply:

- (1) to any pleadings, motions, or notices in adversary proceedings under Part VII of the FED. R. BANKR. P.;
- (2) to hearings set under 11 U.S.C. § 1125;
- (3) to hearings on confirmation of a plan pursuant to chapter 9, 11, 12, or 13 when no objections have been filed; and
- (4) as otherwise provided by these L.B.R. or the FED. R. BANKR. P.

The summary of issues in the Certificate of Contested Matter is intended to identify the nature of the pending dispute(s) and aid the court in setting the hearing time.

Movant should refer to L.B.R. 7007-1 for motions filed in an adversary proceeding.

### **LOCAL BANKRUPTCY RULE 9013-2 CERTIFICATE OF SERVICE - MOTIONS**

When a statute, rule or order requires a party to serve a pleading, the party must file a certificate of service specifically identifying who was served, when they were served and the method of service. The certificate of service should be filed with the pleading, but not later than three (3) court days of the filing of the pleading and must be in substantial conformity with [L.B. Form 9013-1.3](#).

#### **Commentary**

[Source: New]

See L.B.R. 9001-1 for definition of certificate of service.

See also L.B.R. 2081-2 for information on service and motions to limit notice in chapter 11 cases.

### **LOCAL BANKRUPTCY RULE 9014-1 CONTESTED MATTERS**

Unless otherwise provided for in the FED. R. BANKR. P., these L.B.R., or court order, the notice required under FED. R. BANKR. P. 9014 must be served with the motion pursuant to L.B.R. 9013-1 and in substantial conformity with [L.B. Form 9013-1.1](#).

## Commentary

[Source: L.B.R. 914 and New. L.B.R. 9014-1 added on 5/29/08]

### LOCAL BANKRUPTCY RULE 9019-2 ALTERNATIVE DISPUTE RESOLUTION

**(a) Assignment of Matters to Mediation:** The court may refer a matter to mediation *sua sponte*, upon written stipulation by the parties to the matter, upon motion by a party to the matter, or upon motion by the United States Trustee. Participation by the parties in mediation is voluntary, however, the court in its discretion may order any party or party in interest to participate.

**(b) Matters Subject to Mediation:** Unless otherwise ordered by the court, all controversies arising in cases under title 11, U.S.C., adversary proceedings, contested matters and any other disputes in bankruptcy cases are eligible for referral to mediation.

**(c) Deadlines:** Unless otherwise ordered by the court, the referral of a matter to mediation does not operate to stay, postpone or extend any deadlines for taking any action required or allowed by law, court order or applicable rule.

**(d) Mediation/Administration:** Upon entry of a court order referring a matter to mediation, the parties must abide by all guidelines and requirements of the Faculty of Federal Advocates' Bankruptcy Mediation Program (the "Program"), if applicable. No later than fourteen (14) days after entry of the order referring the matter to mediation, the parties designated in the order must contact the Program Administrator to commence the mediation. Unless a party qualifies for pro bono mediation services under the Program, or unless the court orders otherwise, all mediator's fees and incidental costs of the mediation are to be paid by the parties pro rata (exclusive of the parties' respective attorneys' fees and costs), except as otherwise agreed by the parties or ordered by the court.

**(e) Confidentiality; Nondisclosure:**

**(1) Protection of Information:** Unless otherwise agreed by the parties or ordered by the court, all parties to the mediation and the mediator are prohibited from disclosing or producing in any manner, outside the context of the mediation, any oral or written information related to the mediation. Federal Rule of Evidence 408 governing compromises and offers to compromise, and any other applicable law relating to the privileged and confidential nature of settlement discussions, apply to the mediation. Notwithstanding the confidentiality of the mediation, information otherwise discoverable or admissible as evidence does not become exempt from discovery or inadmissible merely because it may be disclosed in and related to the mediation.

**(2) Discovery from Mediator:** The mediator shall not be compelled by the court, the parties or any person or entity to disclose or produce any written or oral information received or compiled while serving as a mediator in a matter. The mediator shall not testify or be compelled to testify concerning the mediation in any proceeding of any nature. Any party or entity demanding or seeking to compel the mediator to disclose or testify to matters subject to this L.B.R. are liable to the mediator for the mediator's reasonable costs and attorneys' fees in resisting such demands.

**(f) Report of Mediation:** As soon as practicable after the conclusion of the mediation, the mediator must file with the court a Report of Mediation, advising only:

- (1) the date(s) that the parties conducted the mediation;
- (2) the parties in attendance at the mediation; and
- (3) whether the parties resolved the matter.

No other information must be disclosed in the Report of Mediation.

**(g) Termination of Mediation:** The mediation will terminate upon the earlier of:

- (1) the filing of the mediator's Report of Mediation; or
- (2) entry of a court order withdrawing the referral of the matter to mediation.

**(h) Noncompliance; Sanctions:** A party's failure to comply with the provisions of this L.B.R. may result in the imposition of appropriate sanctions by the court against such party, or counsel for such party, or both.

### **Commentary**

[Source: L.B.R. 919 and Faculty of Federal Advocates]

Litigation in bankruptcy cases frequently imposes economic burdens on parties and may delay the resolution of disputes. Alternative dispute resolution, including mediation, often reduces the costs and associated burdens of litigating disputed issues in bankruptcy cases and facilitates settlements. The purpose of this L.B.R. is to allow parties a means of submitting disputed issues in bankruptcy cases, including contested matters and adversary proceedings, to mediation. Mediation as contemplated by this L.B.R. is not administered by the court, but the parties and mediators remain subject to court supervision and all applicable rules and court orders in the case. Mediation is just one form of alternative dispute resolution and the decision to engage in, or refrain from mediation does not preclude any other form of alternative dispute resolution to which the parties in a case may agree.

**LOCAL BANKRUPTCY RULE 9023-1**  
**SERVICE OF MOTION TO ALTER OR AMEND JUDGMENT**

Service of a motion to alter or amend a judgment filed pursuant to FED. R. BANKR. P. 9023 must be on all parties to whom the judgment and final order was mailed pursuant to FED. R. BANKR. P. 9022(a). Responses are due within fourteen (14) days of service of the motion.

**Commentary**

[Source: L.B.R. 923]

**LOCAL BANKRUPTCY RULE 9024-1**  
**SERVICE OF MOTION FOR RELIEF FROM JUDGMENT OR ORDER**

Service of a motion for relief from judgment or order filed pursuant to FED. R. BANKR. P. 9024 must be on all parties to whom the judgment and final order was mailed pursuant to FED. R. BANKR. P. 9022(a). Responses are due within fourteen (14) days of service of the motion.

**Commentary**

[Source: New]

**LOCAL BANKRUPTCY RULE 9025-1**  
**BONDS**

(a) A party, the spouse of a party, or an attorney in a case will not be accepted as a personal surety on any bond filed in that case.

(b) Where the surety on a bond is a surety company approved by the United States Department of Treasury, a power of attorney showing the authority of the agent signing the bond must be on file with the Clerk.

**Commentary**

[Source: L.B.R. 925]

See the website for the United States Department of Treasury at [www.ustreas.gov](http://www.ustreas.gov) for a list of approved companies.

## **LOCAL BANKRUPTCY RULE 9027-1 SERVICE OF NOTICE OF REMOVAL**

- (a) A notice of removal must be filed with the bankruptcy court.
- (b) A notice of removal served pursuant to FED. R. BANKR. P. 9027(b) must be served on all parties to the removed action and a certificate of service with all of the names and addresses of the parties to the removed action must be attached to the notice of removal filed with the court.

### **Commentary**

D.C.COLO.LCivR 84.1 provides for the automatic referral of all proceedings arising under Title 11, United States Code or arising in or related to cases under Title 11.

## **LOCAL BANKRUPTCY RULE 9029-1 LOCAL BANKRUPTCY RULES AND PROCEDURES**

**Modification of Rules and Procedures:** Any of these L.B.R., Standing Orders or General Procedure Orders may, for good and compelling cause shown, be subject to such modification as may be necessary to meet a bona fide emergency, to avoid irreparable injury or harm, or as may otherwise be necessary to do substantial justice and promote appropriate case administration.

### **Commentary**

[Source: L.B.R. 929]

## **LOCAL BANKRUPTCY RULE 9036-1 NOTICE BY ELECTRONIC TRANSMISSION**

**(a) Registration Constitutes Waiver of Service/Notice by Traditional Methods From the Court:** The request for and receipt of an electronic filing password from the court constitutes a request for electronic service pursuant to FED. R. BANKR. P. 9036 of all notices, orders, decrees and judgments *issued by the court*, and except as otherwise provided in the ECF Administrative Procedures, a waiver of the right to receive notice and service *from the court by mail*. Electronic filers will receive electronic notification of notices, orders, decrees and judgments in cases where they enter their appearance. Registration does not constitute waiver of the right to personal service or service by first class mail from other parties in the case. Registration does not constitute consent to electronic service/notice from other parties in the case.

**(b) Case Specific Consent to Electronic Service/Notice From Other Parties:** An electronic filer may file a specific waiver of the right to personal service or first class

mail and consent to electronic service/notice from other parties in each case pursuant to FED. R. BANK. P. 9036. Whenever service is required to be made on a person who has filed a case specific waiver/consent, service and notice must be accomplished by electronic mail to the e-mail address on file with the court. Any notice sent via e-mail from a party other than the court must contain “Notice of Pleadings” in the subject or “re” line. The certificate of service must contain the email addresses and name(s) of the person(s) to whom electronic service was affected.

### **Commentary**

[Source: GPO 2001-8, attachment II.C.]

See L.B.R. 5005-4, L.B.R. 9011-4, L.B.R. 5005-4App and additional ECF Procedures on the court’s webpage at [www.cob.uscourts.gov](http://www.cob.uscourts.gov).

Those parties who are registered electronic filers are not entitled to and will not receive hard copies from the court.

The electronic case filing system automatically generates a “Notice of Electronic Filing” at the time a document is filed with the system. The notice indicates the time of filing, the name of the party and electronic filer filing the document, the type of document, and the text of the docket entry. It also contains an electronic link (hyperlink) to the filed document, allowing anyone receiving the notice by e-mail to retrieve the document automatically. The system automatically sends this notice to all electronic filers participating in the case.

See FED. R. CIV. P. 5(b)(2)(E) and FED. R. BANKR. P. 7005 for electronic service in adversary proceedings.

## **LOCAL BANKRUPTCY RULE 9070-1 WITNESSES & EXHIBITS**

**(a) Witnesses and Exhibits:** Unless otherwise set forth in a notice of hearing or trial or otherwise ordered by the court, the following requirements regarding witnesses and exhibits apply in all evidentiary hearings and adversary proceedings.

### **(1) Filing Requirement:**

**(A) List of Witnesses and Exhibits:** Parties intending to introduce evidence at any contested hearing must file a list of witnesses and exhibits no later than three (3) court days prior to the hearing. Any list of witnesses and exhibits must be in substantial conformity with [L.B. Form 9070-1.1](#).



**(B) Exhibits:** Copies of the exhibits must be exchanged with opposing counsel, but not filed with the court, no later than three (3) court days prior to the hearing.

**(2) Hearing Requirements:**

**(A) List of Witnesses and Exhibits:** Parties must provide three (3) copies of the witness and exhibit lists to the Law Clerk or Courtroom Deputy and one (1) copy to each opposing counsel or party.

**(B) Exhibits and Exhibit Notebooks:** Parties must provide the original plus two (2) copies of the exhibits intended to be offered at the hearing to the Law Clerk or Courtroom Deputy and one (1) copy to each opposing counsel or party. Parties granted permission to appear by telephone must file such documents. Original exhibits are to be used by the witnesses. Each exhibit must be individually marked for identification prior to the trial or hearing. Multi-page exhibits must be individually paginated/numerated for ease of reference. Exhibits should be placed in a binder and indexed substantially in the form of [L.B. Form 9070-1.1](#).

**(C) Marking of Exhibits:** Exhibits must be marked for identification as follows:

- (i) Plaintiff, Movant or Claimant: numbers (1, 2, 3...)
- (ii) Defendant, Respondent or Objector: letters (A, B, C...Y, Z, AA, BB, ... YY, ZZ, AAA, etc.)
- (iii) In the event there are multiple plaintiffs, movants, defendants, or objectors, designate exhibits by party name as well as by numbers or letters.

**(3) Post-Hearing Requirements:** Upon the conclusion of a trial or hearing, counsel for the parties must retain custody of their respective original exhibits and deposition transcripts until such time as all need for the exhibits and deposition transcripts has terminated and the time for appeal has expired, or all appellate proceedings have been terminated, plus 60 days. In the event an appeal is filed, counsel must return their respective exhibits to the Clerk as directed, in the same form and manner as the exhibits were tendered and used at trial to enable the Clerk to comply with the requirements of L.B.R. 8006-1.

**Commentary**

[Source: New]

See L.B.R. 5007-1, Transcripts.

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UNITED STATES  
BANKRUPTCY COURT  
DISTRICT OF COLORADO

**LOCAL  
BANKRUPTCY  
FORMS**



December 1, 2009

**FORMS**  
**Table of Contents**

**1000 SERIES**

<b>LOCAL BANKRUPTCY FORM 1002-1.1.....</b>	<b>96</b>
COVER SHEET FOR PETITION	
<b>LOCAL BANKRUPTCY FORM 1007-2.1.....</b>	<b>98</b>
VERIFICATION OF CREDITOR ADDRESS MAILING MATRIX	
<b>LOCAL BANKRUPTCY FORM 1007-4.1.....</b>	<b>99</b>
CORPORATE OWNERSHIP STATEMENT	
<b>LOCAL BANKRUPTCY FORM 1007-4.2.....</b>	<b>100</b>
LIST OF EQUITY SECURITY HOLDERS	
<b>LOCAL BANKRUPTCY FORM 1007-6.1.....</b>	<b>101</b>
STATEMENT UNDER PENALTY OF PERJURY CONCERNING PAYMENT ADVICES	
<b>LOCAL BANKRUPTCY FORM 1009-1.1.....</b>	<b>102</b>
NOTICE OF AMENDMENT OF SCHEDULE OF DEBTS AND/OR ADDITION OF CREDITOR	
<b>LOCAL BANKRUPTCY FORM 1015-1.1.....</b>	<b>103</b>
ORDER GRANTING MOTION FOR JOINT ADMINISTRATION	
<b>LOCAL BANKRUPTCY FORM 1017-2.1.....</b>	<b>105</b>
MOTION TO DISMISS FOR DEBTOR'S FAILURE TO PROVIDE TAX RETURN PURSUANT TO 11 U.S.C. § 521(E)(2) AND NOTICE OF PENDING DISMISSAL OF CASE	
<b>LOCAL BANKRUPTCY FORM 1017-3.1.....</b>	<b>106</b>
ORDER DISMISSING CHAPTER 13 CASE PRIOR TO CONFIRMATION OF PLAN	
<b>LOCAL BANKRUPTCY FORM 1017-3.2.....</b>	<b>108</b>
ORDER DISMISSING CHAPTER 13 CASE AFTER CONFIRMATION OF PLAN	

**2000 SERIES**

<b>LOCAL BANKRUPTCY FORM 2016-1.1.....</b>	<b>109</b>
COVER SHEET FOR APPLICATION FOR PROFESSIONAL COMPENSATION	
<b>LOCAL BANKRUPTCY FORM 2016-3.1.....</b>	<b>110</b>
CHAPTER 13 SHORT FORM FEE APPLICATION	
<b>LOCAL BANKRUPTCY FORM 2016-3.2.....</b>	<b>112</b>
CHAPTER 13 LONG FORM FEE APPLICATION	
<b>LOCAL BANKRUPTCY FORM 2016-3.3.....</b>	<b>115</b>
NOTICE OF CHAPTER 13 FEE APPLICATION	
<b>LOCAL BANKRUPTCY FORM 2016-3.4.....</b>	<b>116</b>
ORDER ALLOWING AND APPROVING FEES	
<b>LOCAL BANKRUPTCY FORM 2081-1.1.....</b>	<b>117</b>
COVERSHEET FOR MOTION SEEKING EXPEDITED ENTRY OF ORDER(S) AND NOTICE OF IMPENDING HEARINGS THEREON	
<b>LOCAL BANKRUPTCY FORM 2081-1.2.....</b>	<b>118</b>
NOTICE OF FILING OF CHAPTER 11 DEBTOR'S MOTION SEEKING EXPEDITED ENTRY OF ORDER(S)	
<b>LOCAL BANKRUPTCY FORM 2081-1.3.....</b>	<b>119</b>
RESPONSE AND REQUEST FOR NOTICE OF HEARING	
<b>LOCAL BANKRUPTCY FORM 2081-1.4.....</b>	<b>120</b>
NOTICE OF TIME AND PLACE OF HEARING ON DEBTOR'S MOTION SEEKING EXPEDITED ENTRY OF ORDERS	
<b>LOCAL BANKRUPTCY FORM 2082-1.1.....</b>	<b>121</b>
MOTION TO CONFIRM CHAPTER 12 PLAN	

**LOCAL BANKRUPTCY FORM 2082-1.2..... 124**

ORDER GRANTING MOTION TO CONFIRM AND  
CONFIRMING CHAPTER 12 PLAN

**LOCAL BANKRUPTCY FORM 2082-1.3..... 125**

NOTICE OF HEARING AND THE RIGHT TO OBJECT  
TO CHAPTER 12 PLAN

**3000 SERIES**

**LOCAL BANKRUPTCY FORM 3003-1.1..... 126**

ORDER ESTABLISHING BAR DATE FOR THE FILING OF  
PROOFS OF CLAIM PURSUANT TO FED.R.BANKR.P. 3003(C)(3)

**LOCAL BANKRUPTCY FORM 3003-1.2..... 127**

NOTICE OF ORDER ESTABLISHING PROCEDURES AND  
BAR DATE FOR THE FILING OF PROOFS OF CLAIM  
PURSUANT TO FED.R.BANKR. 3003(C)(3)

**LOCAL BANKRUPTCY FORM 3003-1.3..... 129**

NOTICE OF ORDER ESTABLISHING PROCEDURES AND  
BAR DATE FOR THE FILING OF PROOFS OF CLAIM  
PURSUANT TO FED.R.BANKR.P. 3003(C)(3)

**LOCAL BANKRUPTCY FORM 3003-1.4..... 131**

ORDER SETTING BAR DATE FOR FILING MOTIONS  
FOR ALLOWANCE OF CHAPTER 11  
ADMINISTRATIVE EXPENSE CLAIMS

**LOCAL BANKRUPTCY FORM 3004-1.1..... 133**

NOTICE OF FILING PROOF OF CLAIM

**LOCAL BANKRUPTCY FORM 3012-1.1..... 134**

ORDER GRANTING MOTION FOR VALUATION OF  
COLLATERAL AND DETERMINATION OF SECURED STATUS

<b>LOCAL BANKRUPTCY FORM 3015-1.1.....</b>	<b>135</b>
CHAPTER 13 PLAN INCLUDING VALUATION OF COLLATERAL AND CLASSIFICATION OF CLAIMS	
<b>LOCAL BANKRUPTCY FORM 3015-1.2.....</b>	<b>146</b>
NOTICE OF FILING OF CHAPTER 13 PLAN, DEADLINE FOR FILING OBJECTIONS THERETO, AND HEARING ON CONFIRMATION	
<b>LOCAL BANKRUPTCY FORM 3015-1.3.....</b>	<b>148</b>
NOTICE OF CONTINUED DATES FOR MEETING OF CREDITORS AND HEARING ON CONFIRMATION OF PLAN	
<b>LOCAL BANKRUPTCY FORM 3015-1.4.....</b>	<b>150</b>
VERIFICATION OF CONFIRMABLE PLAN	
<b>LOCAL BANKRUPTCY FORM 3015-1.5.....</b>	<b>152</b>
CERTIFICATE AND MOTION TO DETERMINE NOTICE	
<b>LOCAL BANKRUPTCY FORM 3015-1.6.....</b>	<b>156</b>
NOTICE OF FILING AMENDED CHAPTER 13 PLAN PRIOR TO HEARING ON CONFIRMATION AND DEADLINE FOR FILING OBJECTIONS THERETO	
<b>LOCAL BANKRUPTCY FORM 3015-1.7.....</b>	<b>158</b>
NOTICE OF FILING AMENDED CHAPTER 13 PLAN AND DEADLINE FOR FILING OBJECTIONS THERETO	
<b>LOCAL BANKRUPTCY FORM 3015-1.8.....</b>	<b>160</b>
NOTICE OF FILING AMENDED CHAPTER 13 PLAN, DEADLINE FOR FILING OBJECTIONS AND HEARING ON CONFIRMATION	
<b>LOCAL BANKRUPTCY FORM 3015-1.9.....</b>	<b>162</b>
CHAPTER 13 CONFIRMATION ORDER	
<b>LOCAL BANKRUPTCY FORM 3015-1.10.....</b>	<b>163</b>
ORDER MONDIFYING CONFIRMED CHAPTER 13 PLAN	

<b>LOCAL BANKRUPTCY FORM 3015-1.11.....</b>	<b>164</b>
CHAPTER 13 DEBTOR'S CERTIFICATION TO OBTAIN DISCHARGE	
<b>LOCAL BANKRUPTCY FORM 3015-1.12.....</b>	<b>166</b>
ORDER ON CHAPTER 13 DEBTOR'S CERTIFICATION TO OBTAIN DISCHARGE	
<b>LOCAL BANKRUPTCY FORM 3017-1.1.....</b>	<b>167</b>
ORDER RE: SMALL BUSINESS PLAN AND DISCLOSURE STATEMENT AND NOTICE OF DEADLINES	
<b>LOCAL BANKRUPTCY FORM 3017-2.1.....</b>	<b>169</b>
ORDER RE: SMALL BUSINESS PLAN WITHOUT SEPARATE DISCLOSURE STATEMENT AND NOTICE OF DEADLINES	
<b>LOCAL BANKRUPTCY FORM 3022-1.1.....</b>	<b>171</b>
CHAPTER 11 FINAL REPORT AND MOTION FOR FINAL DECREE	
<b>LOCAL BANKRUPTCY FORM 3022-1.2.....</b>	<b>175</b>
CHAPTER 11 FINAL REPORT AND MOTION FOR FINAL DECREE	
<b>LOCAL BANKRUPTCY FORM 3022-1.3.....</b>	<b>180</b>
FINAL DECREE	
<b>LOCAL BANKRUPTCY FORM 3022-1.4.....</b>	<b>181</b>
FINAL DECREE	



**4000 SERIES**

**LOCAL BANKRUPTCY FORM 4001-1.1..... 182**

NOTICE OF MOTION FOR RELIEF FROM STAY AND  
OPPORTUNITY FOR HEARING PURSUANT TO 11 U.S.C. § 362(D)

**LOCAL BANKRUPTCY FORM 4001-1.2..... 183**

MOVANT'S CERTIFICATE OF NON-CONTESTED  
MATTER AND REQUEST FOR ENTRY OF ORDER  
(RE: MOTION FOR RELIEF FROM STAY)

**LOCAL BANKRUPTCY FORM 4001-1.3..... 184**

ORDER ON MOTION FOR RELIEF FROM STAY

**LOCAL BANKRUPTCY FORM 4001-2.1..... 185**

NOTICE OF MOTION REGARDING TERMINATION,  
ABSENCE, OR EXTENSION OF AUTOMATIC STAY

**LOCAL BANKRUPTCY FORM 4001-2.2..... 186**

ORDER CONFIRMING TERMINATION OR ABSENCE OF STAY

**LOCAL BANKRUPTCY FORM 4008-1.1..... 187**

COVER SHEET FOR REAFFIRMATION AGREEMENT

**LOCAL BANKRUPTCY FORM 4008-1.2..... 190**

CREDITOR DECLARATION REGARDING THE  
REAFFIRMATION AGREEMENT

**7000 SERIES**

**LOCAL BANKRUPTCY FORM 7041.1 ..... 191**

NOTICE OF MOTION TO DISMISS PROCEEDING TO  
DENY OR REVOKE DISCHARGE

**8000 SERIES**

<b>LOCAL BANKRUPTCY FORM 8007-1.....</b>	<b>192</b>
TRANSCRIPT REQUEST	

<b>LOCAL BANKRUPTCY FORM 8007-1.2.....</b>	<b>192</b>
ACKNOWLEDGMENT OF TRANSCRIPT REQUEST BY TRANSCRIBER	

**9000 SERIES**

<b>LOCAL BANKRUPTCY FORM 9010-3.1.....</b>	<b>193</b>
LAW STUDENT APPEARANCE	

<b>LOCAL BANKRUPTCY FORM 9013-1.1.....</b>	<b>195</b>
NOTICE OF (TITLE OF MOTION/APPLICATION)	

<b>LOCAL BANKRUPTCY FORM 9013-1.2.....</b>	<b>196</b>
CERTIFICATE OF SERVICE	

<b>LOCAL BANKRUPTCY FORM 9013-1.3.....</b>	<b>197</b>
MOVANT'S CERTIFICATE OF NON-CONTESTED MATTER AND REQUEST FOR ENTRY OF ORDER	

<b>LOCAL BANKRUPTCY FORM 9013-1.4.....</b>	<b>198</b>
CERTIFICATE OF CONTESTED MATTER AND REQUEST FOR HEARING	

<b>LOCAL BANKRUPTCY FORM 9070-1.1.....</b>	<b>200</b>
LIST OF WITNESSES AND EXHIBITS	

**Local Bankruptcy Form 1002-1.1**

**COVER SHEET FOR PETITION**

**CHECK APPLICABLE BOXES TO SHOW ALL DOCUMENTS ATTACHED**

Name of debtor(s):	<input type="checkbox"/> Attorney (firm name, address, telephone, and registration number):  <input type="checkbox"/> No attorney (" <i>pro se</i> ") (home address, telephone):
--------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>Filing fee:</b>
<input type="checkbox"/> \$299 for chapter 7 <input type="checkbox"/> \$1,039 for chapter 11 <input type="checkbox"/> \$239 for chapter 12 <input type="checkbox"/> \$274 for chapter 13 <input type="checkbox"/> Other fee paid: \$_____. Enter amount AND attach applicable application under FED. R. BANKR. P. 1006 to pay in installments or pursuant to 28 U.S.C. § 1930(f) (if applicable).

<b>Individual and business debtor(s) (except as otherwise noted):</b>
<input type="checkbox"/> Exhibit D Statement of Compliance with Credit Counseling Requirement for each individual debtor (a list of all authorized Credit Counselors for Colorado is found at <a href="http://www.usdoj.gov/ust">http://www.usdoj.gov/ust</a> or the court has a list that may be viewed in the Records/Public Information Room 114 of the court.) <input type="checkbox"/> Voluntary Petition – Official Form 1 <input type="checkbox"/> Statement of Financial Affairs – Official Form 7 <input type="checkbox"/> Summary of Schedules A–J – Official Form 6–Summary <input type="checkbox"/> Schedules A, B, C, D, E, F, G, H, I, and J – Official Forms 6A, 6B, 6C, 6D, 6E, 6F, 6I and 6J <input type="checkbox"/> Declaration Concerning Debtor’s Schedules – Official Form 6–Declaration <input type="checkbox"/> Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer – Official Form 19 (submitted only if debtor used the services of a bankruptcy petition preparer) <input type="checkbox"/> For each individual debtor, copies of all payment advices, paycheck stubs, or other evidence of all salary, commissions or income received within 60 days before the bankruptcy case was filed, copied on 8 ½ by 11 paper with the debtor’s first and last name printed on top of each page (and bankruptcy case number, if a number has been assigned); OR, as applicable, complete L.B. Form 1007-6.1 (“Statement Under Penalty of Perjury Concerning Payment Advices”) for each debtor. <input type="checkbox"/> A record of any interest in an education individual retirement account (“IRA”) (26 U.S.C. § 530(b)(1)) or qualified state tuition program (26 U.S.C. § 529(b)(1) plans).

- |                          |                                                                               |
|--------------------------|-------------------------------------------------------------------------------|
| <input type="checkbox"/> | Attorney Fee Disclosure Statement – Director’s Procedural Form B 203          |
| <input type="checkbox"/> | Verification of Creditors’ Matrix – L.B. Form 1007-2.1                        |
| <input type="checkbox"/> | Creditors’ Matrix (see L.B.R. 1007-2 and L.B.R. 1007-2App. for instructions). |

**Additional items due from ALL individual debtors:**

- ☐ Statement of Social Security Number(s) – Official Form 21

Chapter 7 individual debtors also must file:

- ☐ Statement of Current Monthly Income and Means Test Calculation – Official Form 22A\*
- ☐ Statement of Intention – Official Form 8 (due thirty days post-petition) (the failure to comply with this statement and file reaffirmation agreements or motions to redeem personal property that the debtor does not intend to surrender has ramifications 45 days after the first scheduled meeting of creditors under 11 U.S.C. § 362(h) of the Bankruptcy Code)

Chapter 11 individual debtors also must file:

- ☐ Statement of Current Monthly Income – Official Form 22B

Chapter 13 individual debtors also must file:

- ☐ Statement of Current Monthly Income and Disposable Income Calculation – Official Form 22C\*
- ☐ Plan –L.B. Form 3015.1

\*The links for the updated Internal Revenue Service and Census Bureau Information that may be needed to complete Statement of Current Monthly Income, Official Forms 22A and 22B, can be reached from the web site: <http://www.usdoj.gov/ust/>. (Not applicable in chapter 7 cases if debts are primarily business debts.)

**Additional items due from chapter 11 debtors:**

- ☐ List of Twenty Largest Creditors – Official Form 4
- ☐ Corporate Ownership Statement – Required by FED. R. BANKR. P. 1007(a)(1) for corporations. L.B. Form 1007-4.1.
- ☐ List of Equity Interest Holders – Required by FED. R. BANKR. P. 1007(a)(3) for corporations. L.B. Form 1007-4.2.
- ☐ Small business debtors must file the most recent 1) balance sheet, 2) statements of operations, 3) cash-flow statement and 4) federal income tax return; OR a verified statement that those documents do not exist and have not been prepared or filed.

Date:	Printed name of party signing:	Signature of attorney (or debtor without counsel):
-------	--------------------------------	----------------------------------------------------

**Local Bankruptcy Form 1007-2.1**

[Caption as in Bankruptcy Official Form 16A]

**VERIFICATION OF CREDITOR ADDRESS MAILING MATRIX**

The above named debtor hereby verifies under penalty of perjury that the attached Creditor Address Mailing Matrix (list of creditors) is true and correct to the best of my knowledge.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Signature of debtor

\_\_\_\_\_  
Printed name of debtor

By: \_\_\_\_\_

Signature of joint-debtor

\_\_\_\_\_  
Printed name of joint-debtor

Home address

Telephone number

Facsimile number

E-mail address

**Local Bankruptcy Form 1007-4.1**

[Caption as in Bankruptcy Official Form 16A]

**CORPORATE OWNERSHIP STATEMENT**

In a case in which the debtor is a corporation (other than a governmental unit), or where any corporation is a party to an adversary proceeding (other than the debtor or a governmental unit), the following information is required pursuant to FED. R. BANKR. P. 1007(a)(1) and 7007.1 and L.B.R. 1007-4 and L.B.R. 7007.1-1:

Check applicable box:

☐ There are no corporations that directly or indirectly own 10% or more of any class of the debtor's equity interest.

☐ The following corporations directly or indirectly own 10% or more of a class of the debtor's equity interest:

- 1.
- 2.
- 3.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of debtor

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

**Local Bankruptcy Form 1007-4.2**

[Caption as in Bankruptcy Official Form 16A]

**LIST OF EQUITY SECURITY HOLDERS**

In a chapter 11 reorganization case, the following information is required pursuant to FED. R. BANKR. P. 1007(a)(3) and L.B.R. 1007-4:

Check applicable box:

☐ There are no equity security holders or corporations that directly or indirectly own 10% or more of any class of the debtor's equity interest.

☐ The following are the debtor's equity security holders (list holders of each class, showing the number and kind of interests registered in the name of each holder, and the last known address or place of business of each holder):

- 1.
- 2.
- 3.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of debtor

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

**Local Bankruptcy Form 1007-6.1**

[Caption as in Bankruptcy Official Form 16A]

**STATEMENT UNDER PENALTY OF PERJURY  
CONCERNING PAYMENT ADVICES**

I\*, \_\_\_\_\_ (debtor's name) \_\_\_\_\_, state as follows:

I did not file with the court copies of some or all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition from any employer because:

Check applicable boxes:

☐ I was not employed during the period immediately preceding the filing of the above-referenced case, \_\_\_\_\_ (insert the dates that you were not employed) \_\_\_\_\_;

☐ I was employed during the period immediately preceding the filing of the above referenced case but did not receive any payment advices or other evidence of payment from my employer within 60 days before the date of the filing of the petition;

☐ I am self-employed and do not receive any evidence of payment from an employer;

☐ Other (please provide explanation): \_\_\_\_\_.

I declare under penalty of perjury that the foregoing statement is true and correct.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Signature of debtor

\_\_\_\_\_  
Printed name of debtor

Home address

Telephone number

Facsimile number

E-mail address

\* A separate form must be signed for each debtor.



**Local Bankruptcy Form 1009-1.1**

[Caption as in Bankruptcy Official Form 16A]

**NOTICE OF AMENDMENT OF SCHEDULE OF DEBTS  
AND/OR ADDITION OF CREDITOR**

You are hereby notified that the debtor has filed amended schedules of debt to include the creditor/party listed below or on the attachment.

1. Creditor/Party: \_\_\_\_\_ (name and address) \_\_\_\_\_.
2. Claim or Interest: \_\_\_\_\_ (amount owed, nature of claim, date incurred) \_\_\_\_\_.
3. This claim has been scheduled as (one box must be checked):
  - ☐ secured - Schedule D;
  - ☐ priority - Schedule E;
  - ☐ general unsecured - Schedule F;
  - ☐ executory contract or unexpired lease - Schedule G; or
  - ☐ co-debtor - Schedule H.
4. Trustee name and address, if one has been appointed: \_\_\_\_\_  
\_\_\_\_\_.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

**Commentary**

This notice must be completed for each creditor or party in interest added to the debtor's schedules. This notice must be served on each added creditor or party in interest and a certificate of service filed in conjunction therewith. If applicable, a proof of claim form must be included with the mailing. See L.B.R. 1009-1.

## **Local Bankruptcy Form 1015-1.1**

[Caption as in Bankruptcy Official Form 16A –  
combined for all jointly administered cases]

### **ORDER GRANTING MOTION FOR JOINT ADMINISTRATION**

THIS MATTER comes before the court on the Motion for Joint Administration filed in Case No. \_\_\_\_\_ on   (month/day/year)  , by  (movant)  (Docket #\_\_\_), seeking to jointly administer the above-captioned cases pursuant to FED. R. BANKR. P. 1015(b). The court, having reviewed the files,

ORDERS that the Motion for Joint Administration is hereby GRANTED and the above-captioned cases shall be jointly administered for procedural purposes only pursuant to FED. R. BANKR. P. 1015(b).

IT IS FURTHER ORDERED that the jointly administered cases are reassigned to the judge to whom the lower-numbered case (the “lead case”) was assigned. The above-captioned cases shall be assigned and/or reassigned to the Honorable \_\_\_\_\_, Bankruptcy Judge, and shall bear the initials \_\_\_\_\_ following the case number. The Clerk of the Court shall adjust the assignment of cases accordingly.

IT IS FURTHER ORDERED that to effect joint administration, the following administrative procedures shall apply, but shall have no effect upon the substantive issues of the estate, either individually or collectively:

1. All motions, pleadings, and other documents filed in the jointly administered case shall bear a combined caption which includes the full name and number of each specific case as in Official Bankruptcy Form 16A, and must be filed, docketed and processed in the lead case, except for the following:
  - a. a motion which applies to less than all jointly administered debtors must clearly indicate in the caption and title to which debtor(s) the motion applies, but must still be filed in the lead case;
  - b. all proofs of claim must be filed in the specific case to which they apply;
  - c. monthly financial reports must be filed in the specific case to which they apply; and
  - d. amendments to schedules, statements, lists and other required documents in FED. R. BANKR. P. 1002 and 1007 must be filed in the specific case to which the amendments apply.

2. Debtors shall maintain adequate records regarding the assets of the respective Debtors' estates in order to protect the rights of joint creditors and separate creditors of these estates.
3. The Clerk of the Court (or other designated party) shall provide notice of the joint administration of the above-captioned cases to all creditors and interested parties identified in each case.

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
United States Bankruptcy Judge

**Local Bankruptcy Form 1017-2.1**

[Caption as in Bankruptcy Official Form 16B]

**MOTION TO DISMISS FOR DEBTOR'S FAILURE TO PROVIDE TAX  
RETURN PURSUANT TO 11 U.S.C. § 521(E)(2) AND NOTICE OF PENDING  
DISMISSAL OF CASE**

TO THE DEBTOR AND THE ATTORNEY FOR THE DEBTOR:

          (name of creditor, trustee or other requesting party)          , hereby certifies that despite a timely request, if required, the debtor in the above-referenced case has failed to provide a copy of the federal income tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the case and for which a federal income tax return was filed, as required by 11 U.S.C. § 521(e)(2), FED. R. BANKR. P. 4002 and L.B.R. 1017-2;

NOTICE IS HEREBY GIVEN that, pursuant to L.B.R. 1017-2 and 11 U.S.C. § 521(e)(2), the case will be dismissed without further notice or hearing, unless the debtor files an objection with the court by   (month/day/year)   (insert the specific date that is 14 days from service of this motion and notice). The debtor's objection must include such information as is necessary to demonstrate that the debtor's failure to provide the tax return or transcript was due to circumstances beyond the control of the debtor, as required by 11 U.S.C. § 521(e)(2).

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number (if applicable)

Business address (or home address for *pro se*)

Telephone number

Facsimile number

E-mail address

## LOCAL BANKRUPTCY FORM 1017-3.1

[Caption as in Bankruptcy Official Form No. 16B]

### ORDER DISMISSING CHAPTER 13 CASE PRIOR TO CONFIRMATION OF PLAN

THIS MATTER comes before the court on the \_\_\_\_\_ (name of pleading),  
filed by \_\_\_\_\_ (name of movant). Notice has been given to the debtor and debtor's  
counsel and the chapter 13 trustee as applicable. No timely objection has been filed.  
The court

#### **FINDS** that:

1. Cause exists for dismissal of this case pursuant to 11 U.S.C. § 1307.
2. No plan has been confirmed.
3. No request for delayed revestment of property of the estate has been made.

#### **IT IS THEREFORE ORDERED** that:

1. **THIS CASE IS DISMISSED.** The Clerk of the court must serve this order on all creditors and parties in interest within fourteen days (14) of the date of the order.
2. In accordance with 11 U.S.C. §§ 349(b)(1) and (2), any transfer avoided under 11 U.S.C. §§ 522, 544, 545, 547, 548, 549 or 724(a), or preserved under 11 U.S.C. §§ 510(c)(2), 522(i)(2) or 551, is reinstated; any lien voided under 11 U.S.C. § 506(d) is reinstated; and any order, judgment or transfer ordered under 11 U.S.C. §§ 522(i)(1), 542, 550 or 553 is vacated.
3. All property of the estate, except payments made by the debtor to the trustee, will revert in the debtor as of the date of this order pursuant to 11 U.S.C. § 349.
4. Payments made by the debtor will be retained by the trustee pending payment of claims allowed under 11 U.S.C. § 503(b) pursuant to 11 U.S.C. § 1326(a)(2).
  - a. Any request for allowance of an 11 U.S.C. § 503(b) claim must conform with 11 U.S.C. § 503 and FED. R. BANKR. P. Rules 9013, 9014 and 2002, and be filed after 14 days but within 21 days of the date of this order.
  - b. Within 30 days after determination of the last request, if any, for

allowance of 11 U.S.C. § 503(b) claims, the trustee must pay all fees imposed by statute and all allowed 11 U.S.C. § 503(b) claims from the debtor's payments and return any surplus to the debtor.

Dated: \_\_\_\_\_

BY THE COURT:

---

United States Bankruptcy Judge

**LOCAL BANKRUPTCY FORM 1017-3.2**

[Caption as in Bankruptcy Official Form No. 16B]

**ORDER DISMISSING CHAPTER 13 CASE  
AFTER CONFIRMATION OF PLAN**

THIS MATTER comes before the court on the \_\_\_\_\_ (name of pleading),  
filed by \_\_\_\_\_ (name of movant). Notice has been given to the debtor and debtor's  
counsel and the chapter 13 trustee as applicable. No timely objection has been filed.  
The court

**FINDS** that:

1. Dismissal of this case is appropriate pursuant to 11 U.S.C. § 1307(c).
2. A plan has been confirmed.
3. No request for delayed revestment of property of the estate has been made.

**IT IS THEREFORE ORDERED** that:

1. THIS CASE IS DISMISSED. The Clerk of the court must serve this order on all creditors and parties in interest within fourteen (14) days.
2. In accordance with 11 U.S.C. § 349(b)(1) and (2), any transfer avoided under 11 U.S.C. §§ 522, 544, 545, 547, 548, 549 or 724(a), or preserved under 11 U.S.C. §§ 510(c)(2), 522(i)(2) or 551 is reinstated; any lien voided under 11 U.S.C. § 506(d) is reinstated; and any order, judgment or transfer ordered under 11 U.S.C. §§ 522(i)(1), 542, 550 or 553 is vacated.
3. All property of the estate, except payments made by the debtor to the trustee, will revert in the debtor as of the date of this order pursuant to 11 U.S.C. § 349.
4. Within 30 days of the date of this order, the trustee must distribute payments received from the debtor in accordance with the terms of the confirmed plan. 11 U.S.C. § 1326(a)(2).

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
United States Bankruptcy Judge

**LOCAL BANKRUPTCY FORM 2016-1.1**

[Caption as in Bankruptcy Official Form 16A]

**COVER SHEET FOR APPLICATION FOR PROFESSIONAL COMPENSATION  
(Other Than Chapter 13 Debtor's Counsel)**

Name of Applicant: \_\_\_\_\_  
Authorized to provide professional services to: \_\_\_\_\_  
Date of order authorizing employment: \_\_\_\_\_  
Period for which compensation is sought: \_\_\_\_\_  
Amount of fees sought: \$ \_\_\_\_\_  
Amount of expense reimbursement sought: \$ \_\_\_\_\_  
This is a(n): Interim Application [ ] or Final Application [ ]

If this is not the first application filed herein by this professional, disclose as to all prior fee applications:

Date filed	Period Covered	Total Requested Fees & Expenses	Total Allowed
		\$	\$
		\$	\$

The aggregate amount of fees and expenses paid to the Applicant to date for services rendered and expenses incurred herein is \$\_\_\_\_\_.



# LOCAL BANKRUPTCY FORM 2016-3.1

[Caption as in Bankruptcy Official Form No. 16B]

## CHAPTER 13 SHORT FORM FEE APPLICATION

## SUMMARY

Pursuant to 11 U.S.C. § 330, Applicant,           (name of attorney)          , attorney for the debtor, requests allowance of the following fees and reimbursement of out-of-pocket expenses incurred up to the date of confirmation as follows:

1. TOTAL FEES REQUESTED in this application \$\_\_\_\_\_

2. TOTAL EXPENSES REQUESTED in this application + \$\_\_\_\_\_

(Total Fees and Expenses Requested) = \$\_\_\_\_\_

3. AMOUNT PAID TO DATE (exclusive of the filing fee) – \$\_\_\_\_\_

4. **NET** AMOUNT OF FEES AND EXPENSES TO BE PAID  
THROUGH CONFIRMED PLAN NOT TO EXCEED AMOUNT  
FUNDED BY THE PLAN

= \$\_\_\_\_\_

### DETAIL IN SUPPORT OF FEE REQUEST

## 1. FEES

Amount of fee Applicant agreed to with debtor for performing services to represent the debtor in this case: (amount disclosed in 2016(b) disclosure).....\$\_\_\_\_\_

(amount disclosed in amended 2016(b) disclosure).....\$

A. This agreed upon fee represents (check applicable boxes):

[ ] a flat fee for all basic services in the case

[ ] hourly charges based upon time spent.

☐ other fee arrangement based upon\_\_\_\_\_.

B. Applicant's rate for attorney services is \$\_\_\_\_\_/ hour; the rate for associate attorney services is \$\_\_\_\_\_/ hour; and the rate for paralegal services is \$\_\_\_\_\_/ hour.

## 2. EXPENSES

Amount of expenses incurred:

_____ copies (at _____/copy)	\$ _____
Postage	\$ _____
Other (specify)	
Facsimile	\$ _____
Legal Research	\$ _____
_____	\$ _____
<b>Total:</b>	<b>\$ _____</b>

### APPLICANT'S CERTIFICATIONS IN SUPPORT OF SHORT FORM FEE APPLICATION

#### APPLICANT CERTIFIES/ATTESTS THAT:

1. I have performed **ALL** of the "Basic Services," as needed, referenced in L.B.R. 2016-3 and listed in the applicable Chapter 13 General Procedure Order, as amended from time to time.

2. I provided a copy of the Basic Services list to my client.

3. The foregoing is true and accurate.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number

Business address

Telephone number

Facsimile number

E-mail address

**LOCAL BANKRUPTCY FORM 2016-3.2**

[Caption as in Bankruptcy Official Form No. 16B]

## CHAPTER 13 LONG FORM FEE APPLICATION

## SUMMARY

Pursuant to 11 U.S.C. § 330, Applicant,           (name of attorney)          , attorney for the debtor, requests allowance of the following fees and reimbursement of out-of-pocket expenses incurred up to the date of confirmation as follows:

1. TOTAL FEES REQUESTED in this application \$\_\_\_\_\_

2. TOTAL EXPENSES REQUESTED in this application + \$\_\_\_\_\_

(Total Fees and Expenses Requested) = \$\_\_\_\_\_

3. AMOUNT PAID TO DATE (exclusive of the filing fee) – \$\_\_\_\_\_

4. **NET AMOUNT OF FEES AND EXPENSES TO BE PAID THROUGH CONFIRMED PLAN NOT TO EXCEED AMOUNT FUNDED BY THE PLAN**

= \$\_\_\_\_\_

### DETAIL IN SUPPORT OF FEE REQUEST

## 1. FEES

Amount of fee Applicant agreed to with debtor for performing services to represent the debtor in this case: (amount disclosed in 2016(b) disclosure).....\$\_\_\_\_\_

(amount disclosed in amended 2016(b) disclosure).....\$

A. This agreed upon fee represents (check applicable boxes):

[ ] a flat fee for all basic services in the case

[ ] hourly charges based upon time spent.

☐ other fee arrangement based upon\_\_\_\_\_.

B. Applicant's rate for attorney services is \$\_\_\_\_\_/ hour; the rate for associate attorney services is \$\_\_\_\_\_/ hour; and the rate for paralegal services is \$\_\_\_\_\_/ hour.

## 2. EXPENSES

Amount of expenses incurred:

_____ copies (at _____/copy)	\$ _____
Postage	\$ _____
Other (specify)	
Facsimile	\$ _____
Legal Research	\$ _____
_____	\$ _____
<b>Total:</b>	<b>\$ _____</b>

### APPLICANT'S CERTIFICATIONS IN SUPPORT OF LONG FORM FEE APPLICATION

#### APPLICANT CERTIFIES/ATTESTS THAT:

Check applicable boxes:

1. ☐ I have not performed the following "Basic Services" referenced in L.B.R. 2016-3 and listed in the applicable Chapter 13 General Procedure Order, as amended from time to time:

---

---

---

2. ☐ I am requesting a fee for services which exceeds the presumptively reasonable fee amount referenced in L.B.R. 2016-3 and listed in the applicable Chapter 13 General Procedure Order, as amended from time to time.

3. Attached to this Application are:

- (a) A narrative describing the services rendered in the case and the reasons why the applicant seeks a fee in excess of the presumptively reasonable fee amount, such as results achieved, difficulties encountered or any other unique aspects of the case and discussing the standards of 11 U.S.C. § 330(a);
- (b) Detailed time records describing all individual services which include:
  - (i) the time spent for each service rendered, broken out in tenths of an hour;

- (ii) the hourly rate for each service rendered by the Applicant (and/or the hourly rate for Applicant's associates or paralegals);
- (iii) the charge for each service rendered; and
- (iv) such other and further information as the Applicant believes is necessary to support allowance of the fee pursuant to 11 U.S.C. § 330(a).

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number

Business address

Telephone number

Facsimile number

E-mail address

**LOCAL BANKRUPTCY FORM 2016-3.3**

[Caption as in Bankruptcy Official Form No. 16B]

**NOTICE OF CHAPTER 13 FEE APPLICATION**

**OBJECTION DEADLINE: (month/day/year).**

NOTICE IS HEREBY GIVEN that the undersigned counsel for the debtor has applied to this court or is intending to file a Chapter 13 (Short/Long) Form Fee Application requesting fees and expenses as follows:

Requested Fees: \$\_\_\_\_\_

Requested Expenses: \$\_\_\_\_\_

A copy of the Chapter 13 Fee Application is attached.

Pursuant to L.B.R. 2016-3, if you oppose or object to the application, your objection and request for hearing must be filed on or before the objection deadline stated above, served on the movant at the address indicated below, and must state clearly all objections and any legal basis for the objections. The court will not consider general objections.

If there is no objection, the court may allow the fee as requested, order further supplementation or set the Chapter 13 Fee Application for hearing.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number

Business address

Telephone number

Facsimile number

E-mail address

**Commentary**

All dates or deadlines should be printed in bold type face.

**LOCAL BANKRUPTCY FORM 2016-3.4**

[Caption as in Bankruptcy Official Form No. 16B]

**ORDER ALLOWING AND APPROVING FEES**

\_\_\_\_\_, counsel for the debtor, is allowed a fee for services herein of \$\_\_\_\_\_ and reimbursement of out-of-pocket expenses of \$\_\_\_\_\_. Counsel received \$\_\_\_\_\_ prepetition. The remaining balance, \$\_\_\_\_\_, is payable out of plan payments.

Dated:\_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
United States Bankruptcy Judge

**Commentary**

Debtor's counsel must fill in the blanks above with the actual dollar amounts.

## LOCAL BANKRUPTCY FORM 2081-1.1

[Caption as in Bankruptcy Official Form 16A]

### COVERSHEET FOR MOTION SEEKING EXPEDITED ENTRY OF ORDER(S) AND NOTICE OF IMPENDING HEARINGS THEREON

The Debtor in the above-captioned Chapter 11 filed on \_(month/day/year)\_, requests the Court to enter the Orders listed below on an expedited basis, pursuant to L.B.R. 2081-1. **THE DEBTOR HAS FILED A MOTION SEEKING EXPEDITED ENTRY OF THE FOLLOWING ORDER(S):**

1. \_\_\_\_\_ Order Authorizing the Joint Administration of Multiple Debtor Bankruptcy Cases (see L.B.R. 1015-1)
2. \_\_\_\_\_ Order Authorizing Payment of Prepetition Wages, Salaries, Expenses
3. \_\_\_\_\_ Interim Order Authorizing Use of Cash Collateral (see L.B.R. 4001-3)
4. \_\_\_\_\_ Interim Approval of Post Petition Secured and/or Super-Priority Financing Pursuant to Section 364(c) of the Bankruptcy Code
5. \_\_\_\_\_ Order Authorizing Payment of Prepetition Claims of Certain Critical Vendors and Suppliers
6. \_\_\_\_\_ Order Authorizing Debtor to Honor Certain Customer Obligations, Including Warranty Claims
7. \_\_\_\_\_ Interim Order Determining Adequate Assurance of Payment for Future Utility Services and Restraining Utility Companies from Discontinuing, Altering or Refusing Service
8. \_\_\_\_\_ Order Establishing Interim Notice Procedures (see L.B.R. 2081-2)
9. \_\_\_\_\_ Order Authorizing Bonus or Retention Plans
10. \_\_\_\_\_ Order Authorizing Retention of Cash Management Systems
11. \_\_\_\_\_ Order Establishing Investment Guidelines
12. \_\_\_\_\_ Other Orders



**LOCAL BANKRUPTCY FORM 2081-1.2**

[Caption as in Bankruptcy Official Form 16A]

**NOTICE OF FILING OF CHAPTER 11 DEBTOR'S  
MOTION SEEKING EXPEDITED ENTRY OF ORDER(S)**

**L.B.R. 2081-1 PROVIDES THAT A HEARING WILL BE HELD ON DEBTOR'S MOTION WITHIN THREE DAYS.** Debtor will give you fax or e-mail notice of the time and place of the hearing only if you respond to this Notice by fax or e-mail stating that you wish to be notified of the hearing. Your response may be in the form of L.B. Form 2081-1.3 and must specify the fax or e-mail address at which you wish to receive notice. If you specify more than one method of notice, Debtor will use the method most readily available to Debtor. You may also obtain information on the time and place of the hearing by checking the Court's calendar over the internet at [www.cob.uscourts.gov](http://www.cob.uscourts.gov).

**REQUESTS FOR NOTICE OF THE HEARING SHALL BE FAXED OR EMAILED TO COUNSEL FOR DEBTOR AT \_\_\_\_\_ or \_\_\_\_\_.**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

**Commentary**

All dates or deadlines should be printed in bold type face.

**LOCAL BANKRUPTCY FORM 2081-1.3**

[Caption as in Bankruptcy Official Form 16A]

**RESPONSE AND REQUEST FOR NOTICE OF HEARING**

**Attention:** \_\_\_\_\_ (insert name of counsel who signed the Motion and Notice) \_\_\_\_\_.

The undersigned requests that notice of the date, time and place of the hearing on Debtor's Motion Seeking Expedited Entry of Orders be served as follows:

\_\_\_\_\_ By e-mail to \_\_\_\_\_

\_\_\_\_\_ By fax to \_\_\_\_\_

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number (if applicable)

Business address (or home address for *pro se*)

Telephone number

Facsimile number

E-mail address

**LOCAL BANKRUPTCY FORM 2081-1.4**

[Caption as in Bankruptcy Official Form 16A]

**NOTICE OF TIME AND PLACE OF HEARING ON DEBTOR'S  
MOTION SEEKING EXPEDITED ENTRY OF ORDERS**

**A HEARING HAS BEEN SET** on Debtor's Motion Seeking Expedited Entry of Orders (Docket No. \_\_\_\_).

The date, time and place of the hearing are as follows:

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Court: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

**LOCAL BANKRUPTCY FORM 2082-1.1**

[Caption as in Bankruptcy Official Form No. 16B]

**MOTION TO CONFIRM CHAPTER 12 PLAN**

THE DEBTOR MOVES FOR ORDERS AS FOLLOWS:

(1) For an order confirming the chapter 12 plan filed (month/day/year), (the "Plan").

(2) In accordance with the requirements of 11 U.S.C. § 1225(a)(4), debtor asserts that as of the effective date of the Plan, the value of property to be distributed under the Plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under Chapter 7, Title 11, United States Code, on such date. This contention is based upon the facts set forth below:

a. As of the date of the petition, the debtor owned property which would be property of the estate, as defined by 11 U.S.C. § 541, if a petition had been filed under Chapter 7 of Title 11 of the United States Code. That property has a liquidation value after deduction of the amount of liens and encumbrances against such property of .....\$

b. If debtor had filed a petition for relief under chapter 7 on same date, debtor would be entitled to exempt from the estate property having a value of .....\$ Debtor has claimed such property as exempt in the manner required by law.

c. If debtor had filed a petition under chapter 7 on said date:

1. Debtor would owe debts entitled to priority under 11 U.S.C. § 507, including costs of administration, in the total amount of .....\$

2. Debtor would owe allowed unsecured claims in the total amount of.....\$

d. There would be available for distribution to creditors holding allowed unsecured claims after payment of priority claims an amount of .....\$

e. It is estimated that distribution under chapter 7 to each creditor holding an unsecured claim as of said date would be \_\_\_\_\_ % of each claim.

f. The plan provides that creditors holding allowed unsecured claims which are timely filed in accordance with FED. R. BANKR. P. 3002 and 3004 will receive at least \_\_\_\_% of each claim.

(3) For an order pursuant to 11 U.S.C. § 506(a) valuing secured claims which are to be paid through the Plan (list here all claims in which there is a dispute over the value of collateral).

Debtor alleges that the allowed secured and allowed unsecured claims of creditors holding collateral are:

Name of Creditor	Description of Collateral	Amount of Debt	Debtor's Contention of Value of Collateral

Debtor believes the property has the value set forth above because: \_\_\_\_\_.

(4) For an order pursuant to 11 U.S.C. § 1225(a)(5) valuing property to be distributed under the Plan to holders of secured claims who do not accept the Plan (list here all such secured claims whether the value of collateral is disputed or admitted).

In support of confirmation and for determination that as of the effective date of the Plan the value of property to be distributed to holders of secured claims under the Plan is not less than the allowed amount of such claims, it is alleged that the following is correct:

Name of Creditor	Allowed Secured Claim	Total to be paid on secured claim	Capitalization rate in percentage

Creditors shall take notice that in the absence of a written objection by a creditor, the valuations asserted above by the debtor will be accepted by the court and shall be used in the court's determination of the amounts to be distributed to holders of secured claims who do not accept the Plan.

The capitalization rate set forth above was chosen because: \_\_\_\_\_.

(5) For an order approving the classification of claims (strike this paragraph if not applicable).

In support of a determination that the classification of unsecured claims in the Plan complies with 11 U.S.C. § 1222(b)(1), it is asserted that the classification contained in the Plan is based upon the facts asserted below.

Unsecured claims (Class Four) are classified as follows:

The Plan provides the same treatment for each claim within each subclass of Class Four. The claims of each subclass of Class Four are substantially similar to the remaining claims in that subclass because \_\_\_\_\_.

The division of unsecured claims into subclasses does not discriminate unfairly against any other subclass because \_\_\_\_\_.

(6) For an order pursuant to 11 U.S.C. § 1222(c) approving time for payments over a period of more than 36 months (strike any portion of this paragraph not applicable).

The Plan requires payment over a period of approximately \_\_\_\_\_ months. Because the Plan takes more than 36 months to complete distribution, the debtor requests approval of the court. Cause exists for the payment over a period of more than three years but not longer than five years as follows (explain): \_\_\_\_\_.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of debtor

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of joint debtor

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

### Verification

Under penalty of perjury, I do hereby adopt the statements contained in this motion and state that those statements are true to the best of my knowledge and belief.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of debtor

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of joint debtor

**LOCAL BANKRUPTCY FORM 2082-1.2**

[Caption as in Bankruptcy Official Form No. 16B]

**ORDER GRANTING MOTION TO CONFIRM AND CONFIRMING  
CHAPTER 12 PLAN**

IT HAVING BEEN DETERMINED AFTER NOTICE AND A HEARING:

That the Plan complies with chapter 12 and all other applicable provisions of Title 11, United States Code;

That any fee, charge, or amount required under Chapter 123 of Title 28, United States Code, or by the Plan, to be paid before confirmation, has been paid;

That the Plan has been proposed in good faith and not by any means forbidden by law;

That the value, as of the effective date of the Plan, of property to be distributed under the Plan on account of each unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under chapter 7 of Title 11, United States Code on such date;

That the Plan provides that the holders of secured claims who have not accepted the Plan shall retain their liens, and the value, as of the effective date of the Plan, of property to be distributed under the Plan on account of each secured claim whose holder has not accepted the Plan is not less than the allowed amount of each of those claims;

That the debtor will be able to make all payments under the plan and to comply with the plan;

That, if this order is entered after an objection to confirmation has been filed herein, the value of the property to be distributed under the Plan on account of the objector's claim is not less than the amount of such claim, or the plan provides that all of the debtor's projected disposable income to be received during the plan, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.

IT IS ORDERED:

The Motion to Confirm is granted;

The debtor's Plan is confirmed;

The assumption of executory contracts on the terms stated in the Plan is approved.

The debtor shall make the payments specified in the plan in the amounts and on the dates provided for therein.

Dated: \_\_\_\_\_

BY THE COURT:

---

United States Bankruptcy Judge

## LOCAL BANKRUPTCY FORM 2082-1.3

[Caption as in Bankruptcy Official Form No. 16B]

### NOTICE OF HEARING AND THE RIGHT TO OBJECT TO CHAPTER 12 PLAN

**OBJECTION DEADLINE:** \_\_\_\_\_

NOTICE IS HEREBY GIVEN that the above-captioned debtor has filed herein a plan for the payment of debts pursuant to the provisions of chapter 12 of Title 11 of the United States Code, together with a Motion to Confirm Chapter 12 Plan (collectively, the "Plan").

A confirmation hearing on the debtor's Plan has been set for (month/day/ year) at (time) at the U. S. Bankruptcy Court, U.S. Custom House, 721 19<sup>th</sup> Street, Courtroom ( ), Fifth Floor, Denver, Colorado 80202.

PLEASE TAKE FURTHER NOTICE that any party objecting to the confirmation of the Plan must file a written objection on or before the objection deadline stated above. The objection must be filed with the court and served upon the debtor's counsel (or the debtor if not represented by counsel) at the address below, and upon the chapter 12 trustee on or before the objection deadline stated above. The objection must specify the grounds upon which the objection is made and any legal basis for the objection. The court will not consider general objections.

If no objection is filed and served within the time specified, the court may confirm the Plan without taking further evidence. If objections to confirmation are filed, at the preliminary hearing no evidence will be taken and no witnesses need appear, but the court will hear the preliminary statements of the parties, will conduct a status conference to determine the matters at issue and the time needed for hearing, may enter orders concerning discovery and will set a final date for the hearings on the confirmation of the debtor's Plan which date will, in any event, be within the time mandated by 11 U.S.C. § 1224, unless said date is continued for cause.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number (if applicable)

Business address (or home address for *pro se*)

Telephone number

Facsimile number

E-mail address

### Commentary

All deadlines and hearing dates and times should be provided in bold type face. The objection deadline must not be less than three (3) court days prior to the date set for the confirmation hearing.



**LOCAL BANKRUPTCY FORM 3003-1.1**

[Caption as in Bankruptcy Official Form 16A]

**ORDER ESTABLISHING BAR DATE FOR THE FILING OF PROOFS OF  
CLAIM PURSUANT TO FED. R. BANKR. P. 3003(c)(3)**

THIS COURT, having reviewed the \_\_\_\_\_ (the “Motion”), filed by \_\_\_\_\_, debtor-in-possession, being advised in the premises and good cause having been shown, hereby:

ORDERS that the motion is GRANTED.

IT IS FURTHER ORDERED that the Proofs of Claim in the above-captioned chapter 11 bankruptcy case must be filed no later than           (month/day/year)          , (the “**Bar Date**”).

IT IS FURTHER ORDERED that any claims filed after the Bar Date will be DISALLOWED. Any individual or entity that is required to file a Proof of Claim and that fails to do so by the Bar Date will not be treated as a creditor for the purposes of voting or distribution, will not receive any further notices of mailings in this chapter 11 case and any claim of such individual or entity will be forever barred against \_\_\_\_\_.<sup>1</sup>

IT IS FURTHER ORDERED that following the Bar Date, a creditor will not be allowed to amend a claim deemed filed on its behalf pursuant to 11 U.S.C. § 1111(a) by virtue of the listing of such claim by debtors in their respective bankruptcy schedules.

IT IS FURTHER ORDERED that a copy of this order, notice in the form attached hereto as Exhibit A, and a Proof of Claim form must be served on all parties-in-interest pursuant to FED. R. BANKR. P. 2002(a)(7) by \_\_\_\_\_.

IT IS FURTHER ORDERED that the form of Proof of Claim transmitted to creditors must comply with Official Form B10 in all respects, including the information contained on its reverse side.

Dated: \_\_\_\_\_

By the Court:

\_\_\_\_\_  
United States Bankruptcy Judge

<sup>1</sup> Subject to 11 U.S.C. § 726(a)(1) in the event of conversion.

**LOCAL BANKRUPTCY FORM 3003-1.2**

[Caption as in Bankruptcy Official Form 16A]

**NOTICE OF ORDER ESTABLISHING PROCEDURES AND  
BAR DATE FOR THE FILING OF PROOFS OF CLAIM  
PURSUANT TO FED. R. BANKR. P. 3003(c)(3)**

TO INDIVIDUALS AND ENTITIES WHO MAY BE CREDITORS OF DEBTOR:

Please take notice that the bankruptcy court has entered an order establishing procedures and a bar date for filing proofs of claim pursuant to Bankruptcy Rule 3003(c)(3) as follows:

- (a) All proofs of claim must be filed with the Clerk of the bankruptcy court by e-filing, by mail or in person, such that they are received no later than     (month/day/year)     (the “Bar Date”), at the following address:

Clerk of the United States Bankruptcy Court  
United States Custom House  
721 19th Street  
Denver, Colorado 80202.

**CLAIMS ARE NOT DEEMED FILED UNTIL ACTUALLY  
RECEIVED BY THE CLERK.**

- (b) **ANY CLAIMS FILED AFTER THE BAR DATE WILL BE DISALLOWED.** Any individual or entity that is required to file a proof of claim by the Bar Date and that fails to do so will not be treated as a creditor for the purposes of voting or distribution, may not receive any further notices of mailings in this chapter 11 case and any claim of such individual or entity will be forever barred.
- (c) Any creditor holding a claim arising prior to date of debtor’s chapter 11 bankruptcy filing,     (insert petition date here)    , must file a proof of claim with the court if the claim is: (i) not scheduled, (ii) scheduled as disputed, contingent, or unliquidated, or (iii) if such creditor disagrees with the amount of the scheduled claim.
- (d) Following the Bar Date, a creditor will not be allowed to amend a claim deemed filed on its behalf pursuant to 11 U.S.C. § 1111(a) by virtue of the listing of such claim by debtors in their respective bankruptcy schedules.

- (e) CLAIMANTS WHO HAVE ALREADY FILED THEIR PROOFS OF CLAIM SHOULD NOT FILE A DUPLICATE CLAIM. Claimants who have filed a Proof of Claim MAY file an amended Proof of Claim by the Bar Date.

**ANY CLAIM NOT TIMELY FILED WITH THE CLERK WITHIN THE TIME SET FORTH ABOVE WILL BE FOREVER BARRED FROM SHARING IN THE ESTATE OR BEING TREATED AS A CLAIM FOR PURPOSES OF VOTING OR DISTRIBUTION.<sup>1</sup>**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

### **Commentary**

All dates or deadlines should be printed in bold type face.

---

<sup>1</sup> Subject to 11 U.S.C. § 726(a)(1) in the event of conversion.

### LOCAL BANKRUPTCY FORM 3003-1.3

[Caption as in Bankruptcy Official Form 16A, for Jointly Administered cases]

#### **NOTICE OF ORDER ESTABLISHING PROCEDURES AND BAR DATE FOR THE FILING OF PROOFS OF CLAIM PURSUANT TO FED. R. BANKR. P. 3003(c)(3)**

TO INDIVIDUALS AND ENTITIES WHO MAY BE CREDITORS OF DEBTOR:

Please take notice that the bankruptcy court has entered an order establishing procedures and a bar date for filing proofs of claim pursuant to Bankruptcy Rule 3003(c)(3) as follows:

- (a) All proofs of claim must be filed with the Clerk of the bankruptcy court by e-filing, by mail or in person, such that they are received no later than \_(month/day/year)\_ (the “Bar Date”), at the following address:

Clerk of the United States Bankruptcy Court  
United States Custom House  
721 19th Street  
Denver, Colorado 80202.

#### **CLAIMS ARE NOT DEEMED FILED UNTIL ACTUALLY RECEIVED BY THE CLERK.**

- (b) **ANY CLAIMS FILED AFTER THE BAR DATE WILL BE DISALLOWED.** Any individual or entity that is required to file a proof of claim by the Bar Date and that fails to do so will not be treated as a creditor for the purposes of voting or distribution, may not receive any further notices of mailings in this chapter 11 case and any claim of such individual or entity will be forever barred.
- (c) Any creditor holding a claim arising prior to date of debtor’s chapter 11 bankruptcy filing, \_\_\_\_\_, must file a proof of claim with the court if the claim is: (i) not scheduled, (ii) scheduled as disputed, contingent, or unliquidated, or (iii) if such creditor disagrees with the amount of the scheduled claim.
- (d) Following the Bar Date, a creditor will not be allowed to amend a claim deemed filed on its behalf pursuant to 11 U.S.C. § 1111(a) by virtue of the listing of such claim by debtors in their respective bankruptcy schedules.
- (e) **PROOFS OF CLAIM MUST NOT BE FILED NAMING THE LEAD DEBTOR’S NAME, \_\_\_\_\_ (insert lead debtor’s name) UNLESS THE**

**LEAD DEBTOR IS THE ACTUAL ENTITY AGAINST WHOM THE CLAIM IS MADE. (insert lead debtor's name) IS THE NAME PROVIDED FOR JOINT BANKRUPTCY ADMINISTRATION ONLY. IN EACH PROOF OF CLAIM FILED WITH THE COURT YOU MUST (1) NAME ONE SPECIFIC DEBTOR, AND (2) STATE THAT DEBTOR'S INDIVIDUAL BANKRUPTCY CASE NUMBER AS SET FORTH ABOVE. DO NOT COMBINE CLAIMS AGAINST TWO OR MORE DEBTORS INTO ONE PROOF OF CLAIM FORM.** In order to assist in the review and reconciliation of proofs of claim, claims should include copies of any invoices, statements or other documents which evidence or support the amount and basis of the claim.

- (f) CLAIMANTS WHO HAVE ALREADY FILED THEIR PROOFS OF CLAIM SHOULD NOT FILE A DUPLICATE CLAIM. Claimants who have filed a Proof of Claim MAY file an amended Proof of Claim by the Bar Date.

**ANY CLAIM NOT PROPERLY FILED WITH THE CLERK WITHIN THE TIME SET FORTH ABOVE WILL BE FOREVER BARRED FROM SHARING IN THE ESTATE OR BEING TREATED AS A CLAIM FOR PURPOSES OF VOTING OR DISTRIBUTION.<sup>1</sup>**

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
United States Bankruptcy Judge

### **Commentary**

[Source: New.]

The caption for jointly administered cases must be in compliance with L.B.R. 1015-1: All motions, pleadings and other documents filed in the jointly administered cases must be filed, docketed and processed in the lead case and bear a combined caption, including the full name and case number of each specific case as in Bankruptcy Official Form 16A. This does not apply to proofs of claim which should be filed in each specific case.

<sup>1</sup> Subject to 11 U.S.C. § 726(a)(1) in the event of conversion.

**LOCAL BANKRUPTCY FORM 3003-1.4**

[Caption as in Bankruptcy Official Form 16A]

**ORDER SETTING BAR DATE FOR FILING MOTIONS FOR ALLOWANCE OF  
CHAPTER 11 ADMINISTRATIVE EXPENSE CLAIMS**

THIS MATTER comes before the court on the \_\_\_\_\_ (“Motion”).  
The court, having reviewed the pleadings and being advised,

ORDERS that the Motion is GRANTED.

IT IS FURTHER ORDERED that all motions seeking payment of chapter 11 administrative expenses, along with L.B. Form 9013-1.1 Notice must be filed no later than   (month/day/year)   (the “Bar Date”). FILINGS ARE EFFECTIVE UPON RECEIPT BY THE CLERK OF THE COURT. **IT IS NOT SUFFICIENT TO FILE A PROOF OF CLAIM ASSERTING AN ADMINISTRATIVE EXPENSE WITHOUT FILING AN APPROPRIATE MOTION AND L.B. FORM 9013-1.1 NOTICE BY THE DEADLINE.**

IT IS FURTHER ORDERED that any requests for payment of chapter 11 administrative expenses filed after the Bar Date will be DISALLOWED. Any individual or entity that is required to file a request for payment of an administrative claim and that fails to do so by the Bar Date will not be treated as a creditor for the purposes of distribution, and any claim of such individual or entity will be forever barred against \_\_\_\_\_.<sup>1</sup>

IT IS FURTHER ORDERED that a copy of this order and notice in the form attached hereto as Exhibit A must be served on all parties-in-interest by \_\_\_\_\_:

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
United States Bankruptcy Judge

<sup>1</sup> Subject to 11 U.S.C. § 726(a)(1) in the event of conversion.

**EXHIBIT A TO L.B. FORM 3003-1.4**

[Caption as in Bankruptcy Official Form 16A]

**NOTICE OF ORDER ESTABLISHING PROCEDURES AND BAR DATE FOR  
FILING MOTIONS FOR ALLOWANCE OF CHAPTER 11 ADMINISTRATIVE  
EXPENSE CLAIMS**

TO ALL CREDITORS AND PARTIES IN INTEREST:

Please take notice that the bankruptcy court has entered an order fixing     (month/day/  
year)    , as the last date for filing a motion for Allowance of Administrative Expense Claims under 11 U.S.C. § 503 arising in the above-captioned case prior to \*conversion to chapter 7/confirmation of its Chapter 11 Plan of Reorganization [\* delete inapplicable language], including final applications by professionals for fees and expenses subject to fee applications.

To be deemed properly filed, a Motion for Allowance of Administrative Expense Claims, along with proper L.B. Form 9013-1.1 Notice, must be filed with the Clerk of the United States Bankruptcy Court for the District of Colorado, United States Custom House, 721 19th Street, Denver, Colorado 80202 by e-filing, in person or by mail such that they are received no later than     (month/day/ year)    , (the “Bar Date”). MOTIONS ARE NOT DEEMED FILED UNTIL ACTUALLY RECEIVED BY THE CLERK.

**ANY CHAPTER 11 ADMINISTRATIVE EXPENSE CLAIMS FOR WHICH A MOTION FOR ALLOWANCE OF CHAPTER 11 ADMINISTRATIVE EXPENSE AND L.B. Form 9013-1.1 NOTICE ARE NOT FILED BY     (month/day/year)    , WILL BE DISALLOWED AND ANY ADMINISTRATIVE CLAIM OF SUCH ENTITY WILL BE FOREVER BARRED AND WILL NOT SHARE IN THE ESTATE.<sup>1</sup>**

**IT IS NOT SUFFICIENT TO FILE A PROOF OF CLAIM ASSERTING AN ADMINISTRATIVE EXPENSE WITHOUT FILING AN APPROPRIATE MOTION AND L.B. Form 9013-1.1 NOTICE BY THE DEADLINE.**

A copy of the court’s order may be inspected at the Office of the Clerk at the address listed above.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number (if applicable)

Business address (or home address for *pro se*)

Telephone number

Facsimile number

E-mail address

<sup>1</sup> Subject to 11 U.S.C. § 726(a)(1) in the event of conversion.

**LOCAL BANKRUPTCY FORM 3004-1.1**

[Caption as in Bankruptcy Official Form 16A]

**NOTICE OF FILING PROOF OF CLAIM**

This Notice is to inform you that \_\_\_\_\_ (debtor or trustee) has filed a Proof of Claim on your behalf in this case. A copy of the proof of claim is attached.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Signature of debtor, counsel, trustee, or other*

Attorney registration number (if applicable)

Business address (or home address for *pro se*)

Telephone number

Facsimile number

E-mail address

**Certificate of Service**



**LOCAL BANKRUPTCY FORM 3012-1.1**

[Caption as in Bankruptcy Official Form No. 16B]

**ORDER GRANTING MOTION FOR VALUATION OF COLLATERAL AND  
DETERMINATION OF SECURED STATUS**

THIS MATTER COMES BEFORE THE COURT on the *Debtor's Motion for Valuation of Collateral and Determination of Secured Status Under 11 U.S.C. § 506* (the "Motion") (docket no. \_\_\_\_).

IT IS HEREBY ORDERED:

1. The Debtor's Motion is GRANTED.
2. The lien held by \_\_\_\_\_ (name of creditor) on \_\_\_\_\_ (street or other common address of property) is valued at zero (\$0) and is entirely unsecured for purposes of the debtor's plan.
3. The creditor will have an unsecured claim in either the amount of the debt as listed in the debtor's schedules or on any allowed proof of claim filed by the creditor (whichever is greater).
4. Upon successful completion of the debtor's plan, the debtor may request an order that the lien is extinguished.
5. If the bankruptcy case is dismissed or converted to a chapter 7, this Order shall be deemed vacated and the lien shall be reinstated and shall continue in full force and effect as specifically provided by 11 U.S.C. §§ 348(f)(1)(C) and 349(b)(1)(C).

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
United States Bankruptcy Judge

## LOCAL BANKRUPTCY FORM 3015-1.1

[Caption as in Bankruptcy Official Form No. 16A]

### CHAPTER 13 PLAN INCLUDING VALUATION OF COLLATERAL AND CLASSIFICATION OF CLAIMS

**CHAPTER 13 PLAN:** This chapter 13 plan dated     (month/day/year)     supersedes all previously filed plans.

**NOTICE TO CREDITORS:** THIS PLAN MAY MODIFY YOUR RIGHTS. If you oppose any provision of the plan you must file an objection with the bankruptcy court by the deadline fixed by the court. (Applicable deadlines given by separate notice.) If you do not file a timely objection, you will be deemed to have accepted the terms of the plan, which may be confirmed without further notice or hearing.

#### MOTIONS FOR VALUATION OF COLLATERAL AND DETERMINATION OF SECURED STATUS UNDER 11 U.S.C. § 506 (Check any applicable box(s)):

- ☐ This plan contains a motion for valuation of *personal property* collateral and determination of secured status under 11 U.S.C. § 506.
- \_\_\_\_\_
- ☐ The debtor is requesting a valuation of *real property* collateral and determination of secured status under 11 U.S.C. § 506 by separate motion filed contemporaneously with this plan.
- or*
- ☐ This plan contains a provision modifying the value of *real property* collateral under 11 U.S.C. § 506 in accordance with a previously filed motion or a prior order of this Court. List the date of any previously filed motions, the status of the motions (granted, objections pending, objections resolved) and any corresponding docket numbers:
- \_\_\_\_\_
- \_\_\_\_\_

**SECURED CLAIMS SUBJECT TO VALUATION OF COLLATERAL AND DETERMINATION OF SECURED STATUS UNDER 11 U.S.C. § 506** (additional detail must be provided at Part IV of the plan):

Name of Creditor	Description of Collateral (pursuant to L.B.R. 3012-1)

## I. BACKGROUND INFORMATION

A. Prior bankruptcies pending within one year of the petition date for this case:

Case Number & Chapter	Discharge or Dismissal/Conversion	Date

B. The debtor(s): ☐ is eligible for a discharge; or  
☐ is not eligible for a discharge and is not seeking a discharge.

C. Prior states of domicile: within 730 days \_\_\_\_\_  
within 910 days \_\_\_\_\_

The debtor is claiming exemptions available in the ☐ state of \_\_\_\_\_  
or ☐ federal exemptions.

D. The debtor owes or anticipates owing a Domestic Support Obligation as defined in 11 U.S.C. § 101(14A). Notice will/should be provided to these parties in interest:

1. Spouse/Parent \_\_\_\_\_
2. Government \_\_\_\_\_
3. Assignee or other \_\_\_\_\_

E. The debtor ☐ has provided the Trustee with the address and phone number of the Domestic Support Obligation recipient or ☐ cannot provide the address or phone number because it/they is/are not available.

F. The current monthly income of the debtor, as reported on Interim Form B22C is:  
☐ below, ☐ equal to, or ☐ above the applicable median income.

## II. PLAN ANALYSIS

### A. Total Debt Provided for under the Plan and Administrative Expenses

1. Total Priority Claims (Class One)
  - a. Unpaid attorney's fees \$ \_\_\_\_\_  
Total attorney's fees are estimated to be \$ \_\_\_\_\_  
of which \$ \_\_\_\_\_ has been prepaid.
  - b. Unpaid attorney's costs (estimated) \$ \_\_\_\_\_
  - c. Total Taxes \$ \_\_\_\_\_  
Federal: \$ \_\_\_\_\_; State: \$ \_\_\_\_\_
  - d. Other \$ \_\_\_\_\_
2. Total of payments to cure defaults (Class Two) \$ \_\_\_\_\_
3. Total payment on secured claims (Class Three) \$ \_\_\_\_\_
4. Total of payments on unsecured claims (Class Four) \$ \_\_\_\_\_
5. Sub-total \$ \_\_\_\_\_
6. Total trustee's compensation (10% of debtor's payments) \$ \_\_\_\_\_

7. Total debt and administrative expenses \$\_\_\_\_\_

**B. Reconciliation with Chapter 7**

***THE NET PROPERTY VALUES SET FORTH BELOW ARE LIQUIDATION VALUES  
RATHER THAN REPLACEMENT VALUES. THE REPLACEMENT VALUES MAY  
APPEAR IN CLASS THREE OF THE PLAN.***

1. Assets available to Class Four unsecured creditors if Chapter 7 filed:  
a. Value of debtor's interest in non-exempt property \$\_\_\_\_\_

Property	Value	Less costs of sale	Less Liens	X Debtor's Interest	Less Exemptions	= Net Value

- b. Plus: value of property recoverable under avoiding powers  
\$\_\_\_\_\_  
c. Less: estimated Chapter 7 administrative expenses  
\$\_\_\_\_\_  
d. Less: amounts payable to priority creditors other than costs of administration  
\$\_\_\_\_\_  
e. Equals: estimated amount payable to Class Four creditors if Chapter 7 filed (if negative, enter zero)  
\$\_\_\_\_\_  
2. Estimated payment to Class Four unsecured creditors under the Chapter 13 Plan plus any funds recovered from "other property" described in Section III.A.3 below.  
\_\_\_\_\_

**III. PROPERTIES AND FUTURE EARNINGS SUBJECT TO THE SUPERVISION AND CONTROL OF THE TRUSTEE**

- A. The debtor submits to the supervision and control of the Trustee all or such portion of the debtor's future earnings or other future income as is necessary for the execution of the Plan, including:

1. Future earnings of \$\_\_\_\_\_ per month which shall be paid to the trustee for a period of approximately \_\_\_\_\_ months, beginning\_\_\_\_\_, 20\_\_.

Amount	Number of Months	Total
One time payment and date		

2. Amounts for the payment of Class Five post-petition claims included in above  
\$\_\_\_\_\_  
3. Other property (specify):  
\_\_\_\_\_

**AT THE TIME THE FINAL PLAN PAYMENT IS SUBMITTED TO THE TRUSTEE, THE DEBTOR SHALL FILE WITH THE COURT THE CERTIFICATION REGARDING DOMESTIC SUPPORT OBLIGATIONS REQUIRED BY 11 U.S.C. § 1328(a) AND, IF NOT ALREADY FILED, INTERIM FORM B23 REGARDING COMPLETION OF FINANCIAL MANAGEMENT INSTRUCTION REQUIRED BY 11 U.S.C. § 1328(g)(1).**

B. Debtor agrees to make payments under the Plan as follows:

\_\_\_ VOLUNTARY WAGE ASSIGNMENT TO EMPLOYER:

Employer's Name, address, telephone number

\_\_\_\_\_

\_\_\_\_\_

(\_\_\_\_) \_\_\_\_\_

**OR**

\_\_\_ DIRECT PAYMENT from debtor to Trustee:

Paid in the following manner: \$ \_\_\_\_\_ to be deducted \_\_\_\_\_  
(weekly, monthly, per pay period, etc.)

#### **IV. CLASSIFICATION AND TREATMENT OF CLAIMS**

***CREDITOR RIGHTS MAY BE AFFECTED. A WRITTEN OBJECTION MUST BE FILED IN ORDER TO CONTEST THE TERMS OF THIS PLAN. CREDITORS OTHER THAN THOSE IN CLASS TWO A AND CLASS THREE MUST FILE TIMELY PROOFS OF CLAIM IN ORDER TO RECEIVE THE APPLICABLE PAYMENTS.***

**A. Class One – Claims entitled to priority under 11 U.S.C. § 507.** Unless other provision is made in paragraph V.(C), each creditor in Class One shall be paid in full in deferred cash payments prior to the commencement of distributions to any other class (except that the payments to the Trustee shall be made by deduction from each payment made by the debtor to the Trustee) as follows:

**1. Allowed administrative expenses**

a. Trustee's compensation (10% of amounts paid by debtor under this Plan)

\$ \_\_\_\_\_

b. Attorney's Fees (estimated and subject to allowance)

\$ \_\_\_\_\_

c. Attorney's Costs (estimated and subject to allowance)

\$ \_\_\_\_\_

**2. Other priority claims to be paid in the order of distribution provided by 11 U.S.C. § 507 (if none, indicate)**

a. Domestic Support Obligations: **A proof of claim must be timely filed in order for the Trustee to distribute amounts provided by the plan.**

Priority support arrearage: Debtor owes past due support to \_\_\_\_\_ in the total amount of \$\_\_\_\_\_ that will be paid as follows:

☐ Distributed by the Trustee pursuant to the terms of the Plan; or

☐ Debtor is making monthly payments via a wage order ☐ or directly ☐ (reflected on Schedule I or J) in the amount of \$\_\_\_\_\_ to \_\_\_\_\_ Of that monthly amount, \$\_\_\_\_\_ is for current support payments and \$\_\_\_\_\_ is to pay the arrearage.

Other: For the duration of the plan, during the anniversary month of confirmation, the debtor shall file with the Court and submit to the Trustee an update of the required information regarding Domestic Support Obligations and the status of required payments.

b. Federal Taxes

\$\_\_\_\_\_

c. State Taxes

\$\_\_\_\_\_

d. Other Taxes (describe): \_\_\_\_\_

\$\_\_\_\_\_

e. Other Class One Claims (if any) (describe): \_\_\_\_\_

\$\_\_\_\_\_

☐ None

#### B. Class Two – Defaults

1. **Class Two A** (if none, indicate) – Claims set forth below are secured only by an interest in real property that is the debtor's principal residence located at \_\_\_\_(street address, city, state, and zip)\_\_\_\_. Defaults shall be cured and regular payments shall be made:

☐ None

Creditor	Total Default Amount to be Cured <sup>1</sup>	Interest Rate	Total Amount to Cure Arrearage	No. of Months to Cure	Regular Payment per _____ (i.e. month, week, etc.) to be Made Directly to Creditor and Date of First Payment

<sup>1</sup> The lesser of this amount or the amount specified in the Proof of Claim.

2. **Class Two B** (if none, indicate) – Pursuant to 11 U.S.C. § 1322(b)(5), secured (other than claims secured only by an interest in real property that is the debtor's principal residence) or unsecured claims set forth below on which the last payment is due after the date on which the final payment under the Plan is due. Defaults shall be cured and regular payments shall be made:

[ ] None

Creditor	Collateral	Total Default Amount to be Cured <sup>2</sup>	Interest Rate	Total Amount to Cure Arrearage	No. of Months to Cure	Regular Payment per _____ (i.e. month, week, etc.) to be Made Directly to Creditor and Date of First Payment

3. **Class Two C – Executory contracts and unexpired leases.** Executory contracts and unexpired leases are rejected, except the following which are assumed:

[ ] None

Other Party to Lease or Contract	Property, if any, Subject to the Contract or Lease	Total Amount to Cure, if any	No. of Months to Cure	Regular Monthly Payment Made Directly to Creditor and Date of Payment

**IN THE EVENT THAT DEBTOR REJECTS THE LEASE OR CONTRACT, CREDITOR SHALL FILE A PROOF OF CLAIM OR AMENDED PROOF OF CLAIM REFLECTING THE REJECTION OF THE LEASE OR CONTRACT WITHIN 30 DAYS OF THE ENTRY OF THE ORDER CONFIRMING THIS PLAN, FAILING WHICH THE CLAIM MAY BE BARRED.**

- C. **Class Three – All other allowed secured claims** (other than those designated in Classes Two A and Two B above) shall be divided into separate classes to which 11 U.S.C. § 506 shall or shall not apply as follows:

1. **Secured claims subject to 11 U.S.C. § 506 (Real Property): Real Property:** In accordance with FED. R. BANKR. P. 3012, 7004 and L.B.R. 3012-1, the debtor has

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<sup>2</sup> The lesser of this amount or the amount specified in the Proof of Claim.

filed and served a separate motion for valuation of collateral and determination of secured status under 11 U.S.C. § 506 as to the *real* property and claims listed on page 1 of this plan and below. The debtor is requesting an order that the value of the collateral is zero (\$0) and the creditor's claim is unsecured. The plan is subject to the court's order on the debtor's motion. If the court grants the debtor's motion, the creditor will have an unsecured claim in either the amount of the debt as listed in the debtor's schedules or on any allowed proof of claim filed by the creditor (whichever is greater). The creditors listed on page 1 and below shall retain the liens securing their claims *until discharge under 11 U.S.C. § 1328 or payment in full*.

Name of Creditor	Description of Collateral (pursuant to L.B.R. 3012-1)	Amount of Debt as Scheduled	Proof of Claim amount, if any

2. **Secured claims subject to 11 U.S.C. § 506 (Personal Property):** The debtor **moves** the court, through this chapter 13 plan, for a valuation of collateral and determination of secured status under 11 U.S.C. § 506 regarding the *personal* property and claims below. The following creditors shall retain the liens securing their claims *until discharge under 11 U.S.C. § 1328 or payment in full under nonbankruptcy law*, and they shall be paid the amount specified which represents the lesser of: (a) the value of their interest in collateral or (b) the remaining balance payable on the debt over the period required to pay the sum in full. Any remaining portion of the allowed claim shall be treated as a general unsecured claim. Any secured claim with a value of \$0 shall be treated as a general unsecured claim.

Creditor	Description of Collateral	Specify Treatment (select a or b in ¶ 2 above)	Debtor's Contention of Value (replacement value)	Amount of Debt as Scheduled	Interest Rate	Total Amount Payable

3. **Secured claims to which 11 U.S. C. § 506 shall not apply (personal property).** The following creditors shall retain the liens securing their claims, and they shall be paid the amount specified which represents the remaining balance payable on the debt over the period required to pay the sum in full:



Creditor	Description of Collateral	Amount of Debt as Scheduled	Interest Rate	Total Amount Payable

- 4. Property being surrendered:** The debtor surrenders the following property securing an allowed secured claim to the holder of such claim:

Creditor	Property	Anticipated Date of Surrender

Relief from the automatic stay to permit enforcement of the liens encumbering surrendered property shall be deemed granted by the Court at the time of confirmation of this Plan. With respect to property surrendered, no distribution on the creditor's claim shall be made unless that creditor files a proof of claim or an amended proof of claim to take into account the surrender of the property.

- 5. Adequate Protection:** The following creditor(s) shall receive payments in the nature of adequate protection pursuant to L.B.R. 2083-1, if applicable, or upon confirmation of the plan as follows:

Creditor	Collateral	Adequate Protection Payment Paid Through the Trustee	Adequate Protection Payment Paid By the debtor(s)	Total Payable Monthly in Equal Periodic Payments

[     ] None

**IF DEBTOR IS PROPOSING TO MODIFY THE RIGHTS OF CREDITORS IN CLASS TWO AND/OR THREE, DEBTOR MUST SPECIFICALLY SERVE SUCH CREDITOR IN THE MANNER SPECIFIED IN FED. R. BANKR. P. 9014 AND 7004.**

- D. Class Four – Allowed unsecured claims not otherwise referred to in the Plan.**  
Class Four Claims are provided for in an amount not less than the greater of:

- The amount necessary to meet the best interests of creditors pursuant to 11 U.S.C. § 1325(a)(4) as set forth in Part II; or
- Total disposable income for the applicable commitment period defined by 11 U.S.C. § 1325(b)(1)-(4).

The monthly disposable income of \$\_\_\_\_\_ has been calculated on Form B22C (Chapter 13). Total disposable income is \$\_\_\_\_\_ which

is the product of monthly disposable income of \_\_\_\_\_ times the applicable commitment period of \_\_\_\_\_.

- a. ☐ Class Four claims are of one class and shall be paid pro rata the sum of \$\_\_\_\_\_ and shall be paid all funds remaining after payment by the Trustee of all prior classes; or

A timely filed claim, found by the Court to be non-dischargeable pursuant to 11 U.S.C. § 523(a)(2), (4), or (6), will share pro-rata in the distribution to Class Four. Collection of the balance is stayed until the case is dismissed, converted to a Chapter 7 or discharge enters, unless ordered otherwise.

- b. ☐ Class Four claims are divided into more than one class as follows:

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**E. Class Five (if none, indicate) – Post-petition claims allowed under 11 U.S.C. § 1305.**  
Post-petition claims allowed under 11 U.S.C. § 1305 shall be paid as follows:

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☐ None

**V. OTHER PROVISIONS**

- A. Payment will be made directly to the creditor by the debtor(s) on the following claims:

Creditor	Collateral, if any	Monthly Payment Amount	No. of Months to Payoff

- B. The effective date of this Plan shall be the date of entry of the Order of Confirmation.

- C. Order of Distribution:

1. ☐ The amounts to be paid to the Class One creditors shall be paid in full, except that the Chapter 13 Trustee's fee shall be paid up to, but not more than, the amount accrued on actual payments made to date. After payment of the Class One creditors, the amounts to be paid to cure the defaults of the Class Two A, Class Two B and Class Two C creditors shall be paid in full before distributions to creditors in Classes Three, Four, and Five (strike any portion of this sentence which is not applicable). The amounts to be paid to the Class Three creditors shall be paid in full before distributions to creditors in Classes Four and Five. Distributions under the plan to unsecured creditors will only be made to creditors whose claims are allowed and are timely filed pursuant to Fed. R. Bankr. P. 3002

and 3004 and after payments are made to Classes One, Two A, Two B, Two C and Three above in the manner specified in Section IV.

2. ☐ Distributions to classes of creditors shall be in accordance with the order set forth above, except: \_\_\_\_\_

**D. Motions to Void Liens under 11 U.S.C. § 522(f).** In accordance with Fed. R. Bankr. P. 4003(d), the debtor intends to file or has filed, by separate motion served in accordance with Fed. R. Bankr. P. 7004, a motion to void lien pursuant to 11 U.S.C. § 522(f) as to the secured creditors listed below:

Creditor	Collateral, if any	Date Motion to Void Lien Filed	Date of Order Granting Motion or Pending

**E. Student Loans:**

- ☐ No student loans  
☐ Student loans are to be treated as an unsecured Class Four claim or as follows: \_\_\_\_\_  
\_\_\_\_\_

**F. Restitution:**

- ☐ No restitution owed.  
☐ Debtor owes restitution in the total amount of \$\_\_\_\_\_ which is paid directly to \_\_\_\_\_ in the amount of \$\_\_\_\_\_ per month for a period of \_\_\_\_\_ months.  
☐ Debtor owes restitution to be paid as follows: \_\_\_\_\_  
\_\_\_\_\_.

**G. Other** (list all additional provisions here): \_\_\_\_\_  
\_\_\_\_\_.

## **VI. REVESTMENT OF PROPERTY IN DEBTOR**

All property of the estate shall vest in the debtor at the time of confirmation of this Plan.

## **VII. INSURANCE**

Insurance in an amount to protect liens of creditors holding secured claims is currently in effect and will ☐ will not ☐ (check one) be obtained and kept in force throughout the period of the Plan.

Creditor to Whom This Applies	Collateral Covered	Coverage Amount	Insurance Company, Policy No. and Agent Name, Address and Telephone No.

[    ] Applicable policies will be endorsed to provide a clause making the applicable creditor a loss payee of the policy.

### **VIII. POST-CONFIRMATION MODIFICATION**

The debtor must file and serve upon all parties in interest a modified plan which will provide for allowed priority and allowed secured claims which were not filed and/or liquidated at the time of confirmation. The value of property to satisfy 11 U.S.C. § 1325(a)(4) may be increased or reduced with the modification if appropriate. The modification will be filed no later than one year after the petition date. Failure of the debtor to file the modification may be grounds for dismissal.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of debtor

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of joint debtor

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

### **Commentary**

The entire Chapter 13 Plan must be completed and filed with the original and each amended chapter 13 plan. Do not delete any provision of this form. Mark provisions that do not apply as n/a. Any additional provisions must be recited in Part V. G.

**LOCAL BANKRUPTCY FORM 3015-1.2**

[Caption as in Bankruptcy Official Form No. 16B]

**NOTICE OF FILING OF CHAPTER 13 PLAN, DEADLINE FOR FILING  
OBJECTIONS THERETO, AND HEARING ON CONFIRMATION**

**OBJECTION DEADLINE:          (month/day/year)         .**

NOTICE IS HEREBY GIVEN that the debtor filed a Chapter 13 Plan on          (month/day/year)         . A copy of the Chapter 13 Plan is attached. A hearing on confirmation of debtor's Chapter 13 Plan will be held on          (month/day year)          at          (time)          \* in Courtroom (\_\_\_), United States Bankruptcy Court, 721 19<sup>th</sup> Street, Denver, Colorado 80202.

The last day to file an Objection to the plan is the objection deadline stated above. Objections to the Chapter 13 Plan must comply with L.B.R. 3015-1(e) and must clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. General objections will not be considered by the court.

If objections are filed, objecting parties and the debtor may receive a supplemental hearing notice from the judge assigned to this case regarding whether the hearing on confirmation will be telephonic or conducted in person. If an objecting party and the debtor do not receive additional information, they should appear in person on the hearing date specified in this notice.

Unless a written objection is filed, the Chapter 13 Plan may be confirmed without a hearing, upon the debtor's filing of a Verification of Confirmable Plan pursuant to Local Bankruptcy Rule 3015-1 and L.B. Form 3015-1.4.

**This Notice pertains only to the Chapter 13 Plan. Creditors should also review the Notice of Meeting of Creditors, at docket number \_\_\_\_\_, for additional information and deadlines, including those related to objecting to dischargeability of certain debts, objecting to exemptions, and filing a proof of claim.**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he/she served a true and correct copy of the Notice of Filing Chapter 13 Plan, Deadline for Filing Objections Thereto, and Hearing on Confirmation by placing the same in the United States Mail, first class postage pre-paid, this (month/day/year) to the following:

### **Commentary**

All deadlines and hearing dates and times should be provided in bold type face.

The objection deadline is three (3) court days before the first scheduled meeting of creditors pursuant to FED. R. BANKR. P. 2002(b) and 9006(c) and L.B.R. 3015-1.

This form may be used if the chapter 13 plan is filed after the petition date or after the date of conversion to chapter 13, or if creditors are added to the schedules after the petition date. In lieu of using this form, the debtor may serve a copy of the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines, and Notice of Hearing on Confirmation of Chapter 13 Plan.

If L.B. Form 3015-1.2 is being used to provide notice of a Chapter 13 Plan that is being filed after the petition date, then this form must be served on the following: chapter 13 trustee, debtor, all creditors and parties in interest, and parties requesting notice, or as otherwise ordered by the court.

If L.B. Form 3015-1.2 is being used to provide notice of a Chapter 13 Plan to creditors added to the schedules after the petition date, then this form must be served on the added creditors. The debtor must also serve added creditors with the Notice of Meeting of Creditors.

**LOCAL BANKRUPTCY FORM 3015-1.3**

[Caption as in Bankruptcy Official Form No. 16B]

**NOTICE OF CONTINUED DATES FOR MEETING OF CREDITORS  
AND HEARING ON CONFIRMATION OF PLAN**

**TO ALL PARTIES OF INTEREST:**

**The following dates have changed from the dates set forth in the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines which was dated (month/day/year).**

The 11 U.S.C. § 341 Meeting of Creditors previously scheduled for (month/day/year) at (time) has been continued to (month/day/year) at (time). The Meeting of Creditors will be held at (location).

The hearing on confirmation of the debtor's plan previously scheduled for (month/day/year) at (time) has been continued by order of the Court (Docket No.     ) to (month/day/year) at (time). The Confirmation Hearing will be held at U.S. Custom House, 721 19th Street, Courtroom     , Fifth Floor, Denver, Colorado 80202.

**Objections to confirmation of the plan, the debtor's Certificate and Motion to Determine Notice, and the debtor's Verification of Confirmable Plan must be timely filed pursuant to L.B.R. 3015-1 or as otherwise ordered by the Court.** Objections to the Chapter 13 Plan must comply with L.B.R. 3015-1(e) and must clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. General objections will not be considered by the court.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he/she served a true and correct copy of the Notice of Continued Dates for Meeting of Creditors and Hearing on Confirmation of Plan by placing the same in the United States Mail, first class postage pre-paid this (month/day/year) to the following:

### **Commentary**

All deadlines and hearing dates and times should be provided in bold type face.

L.B. Form 3015-1.3 is for use when the debtor's meeting of creditors is continued to a date *beyond* the original hearing on confirmation date. The debtor must file a motion to continue the hearing on confirmation or appear at the originally scheduled date for the hearing on confirmation. See L.B.R. 3015-1(d).

L.B. Form 3015-1.3 must be served on the following: chapter 13 trustee, debtor, all creditors and parties in interest, and parties requesting notice, or as otherwise ordered by the court..



## **LOCAL BANKRUPTCY FORM 3015-1.4**

[Caption as in Bankruptcy Official Form No. 16B]

### **VERIFICATION OF CONFIRMABLE PLAN**

The debtor moves for the court for an order (1) confirming the chapter 13 plan filed on (month/day/year), (docket no. \_\_\_\_), and, if applicable, (2) valuing the collateral of secured creditors to be paid through the plan pursuant to 11 U.S.C. § 506. In support thereof, the debtor verifies the following:

The debtor hereby verifies the following:

(i) the docket number for the applicable plan now pending confirmation is docket no. \_\_\_\_ and the certificate of service filed related to the plan is docket no. \_\_\_\_;

(ii) the debtor is current or substantially current (less than 30 days in arrears) with plan payments to the chapter 13 trustee.

(iii) there were no objections filed, or any objections to plan confirmation have been withdrawn by the objector in writing or otherwise overruled by the court, and the plan may be confirmed without further notice or hearing;

(iv) the debtor has paid all amounts required to be paid under domestic support obligations that became payable after the date of the filing of the petition or the debtor has no domestic support obligations;

(v) the debtor has filed all tax returns required under 11 U.S.C. § 1308;

(vi) all statements in the plan to be confirmed are true and correct and the plan contains sufficient facts to allow confirmation; and

(vii) The debtor (or the court, as applicable) has provided appropriate notice of the plan and any amendments, serving them as required under L.B.R. 3015-1, FED. R. BANKR. P. 2002(b), 9014 and 7004, and 11 U.S.C. § 342(e) and (f), or as otherwise ordered by the court.

WHEREFORE, the debtor requests that the court enter an order confirming the plan. A proposed order for confirmation in substantial conformity with L.B. Form 3015-1.9 is attached hereto.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he/she served a true and correct copy of the Verification of Confirmable Plan by placing the same in the United States Mail, first class postage pre-paid, this      (month/day/year)      to the following:

### **Commentary**

Unless otherwise ordered by the court, L.B. Form 3015-1.4 must be served on the following: If no objections are filed, the Verification of Confirmable Plan must be served on the chapter 13 trustee and any parties requesting notice. If objections are filed, the Verification of Confirmable Plan must be served on the chapter 13 trustee, any parties who objected to the most recently noticed plan, and those requesting notice.

**LOCAL BANKRUPTCY FORM 3015-1.5**

[Caption as in Bankruptcy Official Form No. 16B]

**CERTIFICATE AND MOTION TO DETERMINE NOTICE**

(Complete Applicable Paragraphs)

**This certificate pertains to the debtor's chapter 13 plan dated (month/day/year), at docket no. \_\_\_\_ (the last plan to be noticed and served) and the debtor's amended chapter 13 plan dated (month/day/year), at docket no. \_\_\_\_ (the amended plan now pending confirmation).**

The debtor, by and through counsel, (name of counsel), submits the following certificate pursuant to L.B.R. 3015-1 and states as follows:

1. The debtor filed for chapter 13 relief on (month/day/year). The debtor attended his/her 11 U.S.C. § 341(a) Meeting of Creditors on (month/day/year).

**NO OBJECTIONS**

2. No objections have been filed to the debtor's plan dated (month/day/year), at docket no. \_\_\_\_ (the last plan to be noticed and served).

**OBJECTIONS**

3. The following objections have been filed to the debtor's plan dated (month/day/year), at docket no. \_\_\_\_ (the most recent noticed plan).

\_\_\_\_\_  
(name of objecting party and docket number of objection)  
\_\_\_\_\_  
(name of objecting party and docket number of objection)

4. The debtor has complied with the "Meet and Confer" requirement of L.B.R. 3015-1. The debtor or counsel has conferred with the attorney for the chapter 13 trustee [and/or the objecting party] regarding the objections to confirmation.

**AMENDED PLAN**

5. The debtor has filed an amended plan, dated (month/day/year), at docket no. \_\_\_\_ (the amended plan now pending). The amended plan is captioned, "Debtor's (first/ second) Amended Plan."

The amended plan makes the following changes which are delineated in the amended plan by an asterisk, underscoring or highlighting (list the precise nature

of the amendment(s) to the plan, including changes in the duration of the plan, monthly plan payments, amount received by any Class, etc.):

- a.
- b.
- c.

6. The (first/second) amended plan is intended to ☐ cure deficiencies in the prior plan, ☐ resolve all of the objections filed or ☐ resolve the following objections:

- a.
- b.
- c.

7. The (first/second) amended plan does not resolve all of the objections and the debtor requests judicial determination of the remaining objections. The precise issues remaining for judicial determination are as follows:

- a.
- b.
- c.

The debtor anticipates the expected court time necessary to determine this contested matter will be \_\_\_\_\_ minutes/hours.

The debtor anticipates \_\_\_\_\_ fact witnesses and/or \_\_\_\_\_ expert witnesses will be called to testify in this contested matter at any evidentiary hearing to be conducted by the court.

#### **NO AMENDED PLAN**

8. The debtor does not intend to file an amended plan and requests judicial determination of all objections filed.

The debtor anticipates the expected court time necessary to determine this contested matter will be \_\_\_\_\_ minutes/hours.

The debtor anticipates \_\_\_\_\_ fact witnesses and/or \_\_\_\_\_ expert witnesses will be called to testify in this contested matter at any evidentiary hearing to be conducted by the court.

#### **MOTION TO DETERMINE NOTICE OF AMENDED PLAN**

9. **Notice [check the applicable box]:**

☐ **Notice to all creditors:** The debtor believes notice of the amended plan must be served on the chapter 13 trustee and to all creditors and parties in interest.

☐ **Request to waive or limit notice:** The debtor requests notice of the amended plan be limited or waived for the following reasons (describe reason and list the parties the debtor believes should receive notice):

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10. **Objection Time Period [check applicable box]:**

☐ **Objection Deadline Pursuant to FED. R. BANKR. P. 2002(b):** The debtor believes notice of the amended plan should be for the full objection period set forth in FED. R. BANKR. P. 2002(b).

☐ **Request to Shorten Objection Time Period:** The debtor requests the objection period set forth in FED. R. BANKR. P. 2002(b) be shortened to \_\_\_\_ days (describe reason for requested objection period):

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Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Counsel to \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the Certificate and Motion to Determine Notice was served by placing the same in the United States Mail, first class postage pre-paid, this  (month/day/year)  to the following:

### **Commentary**

L.B. Form 3015-1.5 must be served on the following: the chapter 13 trustee, debtor, any parties who objected to the most recently noticed plan, and those requesting notice, or as otherwise ordered by the court.

**LOCAL BANKRUPTCY FORM 3015-1.6**

[Caption as in Bankruptcy Official Form No. 16B]

**NOTICE OF FILING AMENDED CHAPTER 13 PLAN PRIOR TO HEARING  
ON CONFIRMATION AND DEADLINE FOR FILING OBJECTIONS THERETO**

**OBJECTION DEADLINE:          (month/day/year)         .**

YOU ARE HEREBY NOTIFIED that the debtor filed an amended chapter 13 plan on          (month/day/year)         , docket number \_\_\_\_\_. A copy of the amended chapter 13 plan is attached.

A hearing on confirmation has been set for          (month/day/ year)          at          (time)         . The hearing will be held at the U.S. Bankruptcy Court, U.S. Custom House, 721 19<sup>th</sup> Street, Courtroom (\_\_\_\_), Fifth Floor, Denver, Colorado 80202.

If you wish to oppose confirmation of the amended chapter 13 plan you must file a written objection and request for a hearing with the court on or before the objection deadline stated above and serve a copy thereof on the undersigned attorney. Pursuant to L.B.R. 3015-1, objections must clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. General objections will not be considered by the court.

Unless otherwise ordered, previously filed objections to any prior chapter 13 plan are deemed moot and new objections must be timely filed addressing this amended plan.

If no objections are filed, the amended plan may be confirmed without a hearing, but only upon the debtor's filing of a Verification of Confirmable Plan pursuant to L.B.R. 3015-1.

Please check the chambers' webpage of the judge to whom this case is assigned to determine whether you must appear in person at the hearing or may appear by telephone and the process for doing so.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number (if applicable)

Business address (or home address for *pro se*)

Telephone number

Facsimile number

E-mail address

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the Amended Chapter 13 Plan dated (month/day/year), docket no. \_\_\_\_, and the Notice of Filing Amended Chapter 13 Plan Prior to Hearing on Confirmation and Deadline for Objections Thereto was served by placing the same in the United States Mail, first class postage pre-paid, this (month/day/year) to the following:

### **Commentary**

All deadlines and hearing dates and times should be provided in bold type face.

L.B. Form 3015-1.6 is used to provide notice of an amended chapter 13 plan that is filed and served following the 11 U.S.C. § 341 Meeting of Creditors and the completion of the obligation to meet and confer, as applicable, and prior to the date of the first scheduled hearing on confirmation pursuant to L.B.R. 3015(f)(2)(E) and (g)(3)(E).

The date and time for the hearing on confirmation is the same date set forth in the Notice of Meeting of Creditors, unless otherwise ordered by the court.

The objection deadline must be twenty-one (21) days after the mailing of the amended plan and notice or as otherwise ordered by the court.

L.B. Form 3015-1.6 must be served on the following: chapter 13 trustee, debtor and all creditors and parties in interest, or as otherwise ordered by the court.



**LOCAL BANKRUPTCY FORM 3015-1.7**

[Caption as in Bankruptcy Official Form No. 16B]

**NOTICE OF FILING AMENDED CHAPTER 13 PLAN  
AND DEADLINE FOR FILING OBJECTIONS THERETO**

**OBJECTION DEADLINE:          (month/day/year)         .**

YOU ARE HEREBY NOTIFIED that the debtor filed an amended chapter 13 plan on          (month/day/year)         , docket number \_\_\_\_\_. A copy of the amended chapter 13 plan is attached.

If you wish to oppose confirmation of the amended chapter 13 plan you must file with the court a written objection and request for a hearing on or before the objection deadline stated above, and serve a copy thereof on the undersigned attorney. Pursuant to L.B.R. 3015-1, objections must clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. General objections will not be considered by the court.

Unless otherwise ordered, previously filed objections to any prior chapter 13 plan are deemed moot and new objections must be timely filed addressing this amended plan.

If no objections are filed, the amended plan may be confirmed without a hearing, upon the debtor's filing of a Verification of Confirmable Plan pursuant to L.B.R. 3015-1.

If objections are filed, the matter will be set for a hearing upon the filing of a Certificate and Motion to Determine Notice in substantial conformity with L.B. Form 3015-1.5.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number (if applicable)

Business address (or home address for *pro se*)

Telephone number

Facsimile number

E-mail address

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the Amended Chapter 13 Plan dated          (month/day/year)         , docket no. \_\_\_\_\_, and the Notice of Filing Amended Chapter 13 Plan and Deadline for Filing Objections Thereto were served by

placing the same in the United States Mail, first class postage pre-paid, this (month/day/year) to the following:

### **Commentary**

All deadlines and hearing dates and times should be provided in **bold** type face.

L.B. Form 3015-1.7 may be used to provide notice of an amended chapter 13 plan after the hearing on confirmation is conducted, regardless of whether the plan being served was filed before or after such hearing on confirmation. L.B. Form 3015-1.7 is used when the court does not set a subsequent hearing on confirmation pending notice of the amended plan. If the court provides the debtor with a new Hearing on Confirmation date use L.B. Form 3015-1.8.

L.B. Form 3015-1.7 must be served on the following: chapter 13 trustee, debtor and all creditors and parties in interest, or as otherwise ordered by the court.

**LOCAL BANKRUPTCY FORM 3015-1.8**

[Caption as in Bankruptcy Official Form No. 16B]

**NOTICE OF FILING AMENDED CHAPTER 13 PLAN, DEADLINE FOR  
FILING OBJECTIONS, AND HEARING ON CONFIRMATION**

**OBJECTION DEADLINE:          (month/day/year)         .**

YOU ARE HEREBY NOTIFIED that the debtor filed an amended chapter 13 plan on          (month/day/year)         , docket number \_\_\_\_\_. A copy of the amended chapter 13 plan is attached.

A          (non-evidentiary/evidentiary)          hearing on confirmation has been set for          (month/day/year)          at          (time)          at the U. S. Bankruptcy Court, U.S. Custom House, 721 19<sup>th</sup> Street, Courtroom ( ), Fifth Floor, Denver, Colorado 80202.

If you wish to oppose confirmation of the amended chapter 13 plan you must file with the court a written objection and request for a hearing on or before the objection deadline stated above, and serve a copy thereof on the undersigned attorney. Pursuant to L.B.R. 3015-1, objections must clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. General objections will not be considered by the court.

Unless otherwise ordered, previously filed objections to any prior chapter 13 plan are deemed moot and new objections must be timely filed addressing this amended plan.

If no objections are filed, the amended plan may be confirmed without a hearing, upon the debtor's filing of a Verification of Confirmable Plan pursuant to L.B.R. 3015-1.

[If evidentiary] If objections to confirmation are filed, witness and exhibit lists must be filed and exhibits exchanged by          (month/day/year)          \* pursuant to L.B.R. 9070-1.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number (if applicable)

Business address (or home address for *pro se*)

Telephone number

Facsimile number

E-mail address

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the Amended Chapter 13 Plan dated          (month/day/year)         , docket no. \_\_\_\_\_, and the Notice of Filing

Amended Chapter 13 Plan, Deadline for Filing Objections Thereto, and Hearing on Confirmation were served by placing the same in the United States Mail, first class postage pre-paid, this   (month/day/year)   to the following:

### **Commentary**

All deadlines and hearing dates and times should be provided in bold type face.

L.B. Form 3015-1.8 may be used to provide notice of an amended chapter 13 plan if the court has provided the debtor with a new objection date and new hearing on confirmation date.

L.B. Form 3015-1.8 must be served on the following: chapter 13 trustee, debtor and all creditors and parties in interest, or as otherwise ordered by the court.

**LOCAL BANKRUPTCY FORM 3015-1.9**

[Caption as in Bankruptcy Official Form No. 16B]

**CHAPTER 13 CONFIRMATION ORDER**

IT HAVING BEEN DETERMINED AFTER NOTICE AND A HEARING:

1. That the plan complies with chapter 13 and all other applicable provisions of Title 11, United States Code;
2. That any fee, charge, or amount required under Chapter 123 of Title 28, United States Code, or by the plan, to be paid before confirmation, has been paid;
3. That the action of the debtor(s) in filing the petition was in good faith;
4. That the plan has been proposed in good faith and not by any means forbidden by law;
5. That the value, as of the effective date of the plan, of property to be distributed under the plan on account of each unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor(s) were liquidated under chapter 7 of Title 11, United States Code on such date; and
6. That the plan complies with the provisions of 11 U.S.C. § 1325(a)(5) as to holders of secured claims.
7. That pending motions for valuation of real property collateral and determination of secured status under 11 U.S.C. § 506, if any, have been provided for by separate court order.

IT IS ORDERED:

The debtor(s)' plan, filed on   (month/day/year)  , at docket no.   , is confirmed;

The debtor(s) must make payments in accordance with the terms of the plan. Creditors holding liens on property which the plan specifies is to be surrendered by the debtor(s) are hereby granted relief from the stay imposed by 11 U.S.C. § 362 and may enforce their rights in and to said property.

The assumption of executory contracts on the terms stated in the plan is approved. If the plan provides for the rejection of an executory contract or unexpired lease, the party to the rejected executory contract or lease must file a proof of claim within 30 days of the date of the entry of this order, failing which the claim may be barred.

Any hearing on confirmation is VACATED.

This order binds those creditors and parties in interest that have been served in accordance with applicable rules.

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
United States Bankruptcy Judge

**LOCAL BANKRUPTCY FORM 3015-1.10**

[Caption as in Bankruptcy Official Form No. 16B]

**ORDER MODIFYING CONFIRMED CHAPTER 13 PLAN**

THIS MATTER having come before the court on the Motion to Modify Confirmed Chapter 13 Plan filed by \_\_\_\_ (name of movant) on (month/day/year), at docket no. \_\_\_\_\_. Proper notice having been given and no objections having been filed or any objections filed having been withdrawn, it is hereby

ORDERED that the Motion to Modify Confirmed Chapter 13 Plan is GRANTED. The Modified Chapter 13 Plan dated (month/day/year), at docket no. \_\_\_\_\_ is approved. This order binds those creditors and parties in interest that have been properly served. The debtors must make payments as specified by the plan as modified.

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
United States Bankruptcy Judge

**LOCAL BANKRUPTCY FORM 3015-1.11**

[Caption as in Bankruptcy Official Form No. 16B]

**CHAPTER 13 DEBTOR'S CERTIFICATION TO OBTAIN DISCHARGE  
PURSUANT TO 11 U.S.C. § 1328**

I, \_\_\_\_\_ (debtor's name) \_\_\_\_\_, certify that: (check the appropriate statements)

**1. Plan Payments:**

☐ I have completed all payments and obligations required by my Chapter 13 Plan.

**2. Domestic Support Obligations:**

☐ I have no domestic support obligations.

☐ During the pendency of this bankruptcy case, I have paid all domestic support obligations that have become due under any order of a court, administrative agency, or by any statute.

☐ I have provided the chapter 13 trustee with the information required for notice by 11 U.S.C. § 1302(d)(1)(c).

**3. Valuation of Collateral Pursuant to 11 U.S.C. § 506**

☐ I previously filed a *Motion for Valuation of Collateral and Determination of Secured Status Under 11 U.S.C. § 506* (the "Motion") (docket no. \_\_\_\_\_) as to the real property described below. The Motion was granted on (month/day/year), (docket no. \_\_\_\_\_).

☐ Pursuant to the Motion and my Chapter 13 Plan, I request an order that the following liens are extinguished (proposed order is attached):

Name of Creditor	Description of Collateral (pursuant to confirmed plan)

**4. Felony convictions under 11 U.S.C. § 522(q)(1) and 11 U.S.C. § 1328(h).**

☐ I have not been convicted of a felony (as defined in section 3156 of title 18). See 11 U.S.C. § 522(q)(1)(A).

- [ ] There are no pending proceedings in which I may be found guilty of a felony of the kind described in Section 522(q)(1)(A) or liable for a debt of the kind described in Section 522(q)(1)(B).

**5. Personal Financial Management Course**

- [ ] I have completed an instructional course in personal financial management and the certification of completion has been filed.

**DECLARATION UNDER PENALTY OF PERJURY**

I declare under penalty of perjury that I have read the foregoing statement and that it is true and correct to the best of my knowledge, information, and belief.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of debtor

\_\_\_\_\_  
Printed name of debtor

Home address

Telephone number

Facsimile number

E-mail address

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the Chapter 13 Debtor's Certification to Obtain Discharge was served by placing the same in the United States Mail, first class postage pre-paid, this (month/day/year) to the following:

**Commentary**

Pursuant to 11 U.S.C. § 1328, this form is to be completed as soon as practicable after completion by the debtor of all payments under the plan. This form must be completed and filed with the court in order for the debtor to receive a discharge. In joint cases, the form must be completed and filed by each debtor.

L. B. Form 3015.11 must be served on the following: chapter 13 trustee, debtor and any parties in interest, or as otherwise ordered by the court.



**LOCAL BANKRUPTCY FORM 3015-1.12**

[Caption as in Bankruptcy Official Form No. 16B]

**ORDER ON CHAPTER 13 DEBTOR'S  
CERTIFICATION TO OBTAIN DISCHARGE**

**THIS MATTER COMES BEFORE THE COURT** on the Debtor's Certification to Obtain Discharge (Docket No. \_\_\_\_ ) and this Court's prior Order Granting Motion for Valuation of Collateral and Determination of Secured Status (Docket No. \_\_\_\_ ).

This Court previously ordered that the lien held by \_\_\_\_ (name of creditor) on \_\_\_\_ (description of property) is valued at zero (\$0) and is entirely unsecured for purposes of the debtor's chapter 13 plan. The debtor has successfully completed all plan payments and the debtor's discharge is ready to enter.

IT IS HEREBY ORDERED that upon entry of the debtor's discharge,

The lien held by \_\_\_\_ (name of creditor) on \_\_\_\_ (description of property) is extinguished.

BY THE COURT:

Dated: \_\_\_\_\_

\_\_\_\_\_  
United States Bankruptcy Judge

[Source: New]

**LOCAL BANKRUPTCY FORM 3017.1-1.1**

[Caption as in Bankruptcy Official Form 16A]

**ORDER RE: SMALL BUSINESS PLAN AND DISCLOSURE STATEMENT,  
AND NOTICE OF DEADLINES**

The debtor is a “small business debtor” as that term is defined in 11 U.S.C. § 101(51D). Pursuant to 11 U.S.C. § 1125(f)(3)(A), the debtor requested the court to conditionally approve the disclosure statement dated \_(month/day/year)\_ with respect to the debtor’s plan. The court has reviewed the plan and disclosure statement and has preliminarily determined the disclosure statement contains adequate information. Therefore, it is

ORDERED, and notice is hereby given, that:

- A. The disclosure statement filed by \_\_\_\_\_ is conditionally approved, subject to final approval after notice and a hearing.
- B. On or before \_(month/day/year)\_, counsel for the debtor must file with the court and serve the plan, disclosure statement, a copy of this order and a suitable ballot for accepting or rejecting the plan on all creditors, equity security holders, and other parties in interest as provided in FED. R. BANKR. P. 3017(d),
- C. On or before \_(month/day/year)\_, counsel for the debtor must file a certificate of service of the plan, disclosure statement, order and ballot with the court.
- D. \_(month/day/year)\_, is fixed as the last day for filing written acceptances or rejections of the plan referred to above.
- E. \_(month/day/year)\_, is fixed as the last day for filing and serving in accordance with FED. R. BANKR. P. 3017(a) and L.B.R. 3017-1(b), written objections to the disclosure statement. If no objections to or requests to modify the disclosure statement are filed within the time fixed, the conditional approval of the disclosure statement may become final. Any objections to or requests to modify the disclosure statement will be considered at the commencement of the confirmation hearing held pursuant to 11 U.S.C. § 1128(a) and FED. R. BANKR. P. 3020(b).
- F. \_(month/day/year)\_, is fixed as the last day for filing and serving written objections to confirmation of the plan pursuant to FED. R. BANKR. P. 3020(b)(1).
- G. On or before \_(month/day/year)\_, counsel for the debtor must prepare and file with this court, a summary report on the ballots. The report must reflect the name of the creditor by class as designated in the plan, the acceptance, rejection, or if no vote cast by the creditor, the amount of each creditor’s claim or amount of each creditor’s vote. The report must be summarized by each class of creditor established in the plan and must

indicate if the number of acceptances obtained were by the holders of two-thirds in amount and more than one-half in number of claims in each class voting on the plan. The report must also identify and respond to any timely-filed objections to confirmation. A copy of the report must be served on the United States Trustee, each member of the Unsecured Creditors' Committee and counsel for the Unsecured Creditors' Committee, and any party objecting to confirmation of the plan or to the disclosure. The original report as filed with the Clerk of the court must have a certificate of service reflecting proper service on the parties as indicated.

H. The hearing on confirmation of the plan and to consider final approval of the disclosure statement is scheduled as follows:

DATE:

TIME:

COURTROOM:

I. Witnesses and Exhibits: (Insert specific instructions here or refer parties to L.B.R. 9070-1 ).

Dated: \_\_\_\_\_

BY THE COURT:

---

United States Bankruptcy Judge

### **Commentary**

[Source: Director's Procedural Form B13S (Form 13S) (08/07)]

## LOCAL BANKRUPTCY FORM 3017-2.1

[Caption as in Bankruptcy Official Form 16A]

### ORDER RE: SMALL BUSINESS PLAN WITHOUT SEPARATE DISCLOSURE STATEMENT AND NOTICE OF DEADLINES

The debtor is a “small business debtor” as that term is defined in 11 U.S.C. § 101(51D). On     (month/day/year)    , the debtor filed a motion pursuant to 11 U.S.C. § 1125(f)(1) requesting that the court determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary. The court has reviewed the plan and has preliminarily determined that the plan itself provides adequate information and that a separate disclosure statement is not necessary. Therefore, it is

ORDERED, and notice is hereby given, that:

- A. The plan filed by the debtor (or other plan proponent) provides adequate information and a separate disclosure statement is not necessary, subject to final determination after notice and a hearing.
- B. On or before     (month/day/year)    , counsel for the debtor must file with the court and serve the plan, a copy of this order and a suitable ballot for accepting or rejecting the plan on all creditors, equity security holders, and other parties in interest as provided in FED. R. BANKR. P. 3017(d).
- C. On or before     (month/day/year)    , counsel for the debtor must file with this court a certificate of service as to the plan, order and ballot.
- D.     (month/day/year)    , is fixed as the last day for filing written acceptances or rejections of the plan referred to above.
- E.     (month/day/year)    , is fixed as the last day for filing and serving written objections to the information and disclosures contained in the plan and confirmation of the plan pursuant to FED. R. BANKR. P. 3020(b)(1).
- F. On or before     (month/day/year)    , counsel for the debtor must prepare and file with this court, a summary report on the ballots. The report must reflect the name of the creditor by class as designated in the plan, the acceptance, rejection, or if no vote cast by the creditor, the amount of each creditor’s claim or amount of each creditor’s vote. The report must be summarized by each class of creditor established in the plan and must indicate if the number of acceptances obtained were by the holders of two-thirds in amount and more than one-half in number of claims in each class voting on the plan. The report must also identify and respond to any timely-filed objections to confirmation. A copy of the report must be served on the United States Trustee, each member of the Unsecured Creditors’ Committee and counsel for the Unsecured Creditors’ Committee,

and any party objecting to confirmation of the plan or to the disclosure statement. The original report as filed with the Clerk must have a certificate of service reflecting proper service on the parties as indicated.

G. The hearing on confirmation of the plan is scheduled as follows:

DATE:

TIME:

COURTROOM:

H. Witnesses and Exhibits: (Insert specific instructions here or refer parties to L.B.R. 9070-1 ).

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
United States Bankruptcy Judge

### **Commentary**

[Source: Director's Procedural Form B13S (Form 13S) (08/07)]

**LOCAL BANKRUPTCY FORM 3022-1.1**

[Caption as in Bankruptcy Official Form 16A]

**CHAPTER 11 FINAL REPORT AND MOTION FOR FINAL DECREE**  
(chapter 11 business debtor)

Comes now the debtor \_\_\_\_\_,  
by and through its undersigned attorney, and pursuant to the provisions of 11 U.S.C.  
§ 1106(a)(7) as order by this court, and submits that the estate herein is fully administered  
and that the plan has been substantially consummated as follows:

1. That the order confirming the plan has become final;
2. That the deposits required by the plan have been distributed in accordance with  
the provisions of the plan as shown in Schedule A attached hereto;
3. That substantially all of the property of the debtor has been transferred according  
to the provisions of the plan as shown in Schedule B attached hereto;
4. That the debtor or the successor has assumed the business or the management of  
the property dealt with by the plan as applicable;
5. That distribution has been commenced under the plan, and that payments to  
creditors and other interested parties have been undertaken as shown in Schedule C  
attached hereto; and
6. That all motions, contested matters, and adversary proceedings have been finally  
resolved.

WHEREFOR the debtor herein prays for the entry of the Final Decree pursuant to  
FED.R.BANKR.P. 3022, finding that the estate has been fully administered and, therefore,  
ordering the closing of the case.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Representative of the Debtor

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

Debtor: \_\_\_\_\_  
Case No.: \_\_\_\_\_

### **SCHEDULE A**

Nature and amount of deposits distributed in accordance with the provisions of the plan:

<b>Nature of Deposit</b>	<b>Amount</b>	<b>Distribution</b>

Debtor: \_\_\_\_\_  
Case No.: \_\_\_\_\_

### **SCHEDULE B**

The following property of the debtor has been/will be transferred according to the provisions of the plan:

<b>Nature of Property</b>	<b>Value of Property</b>	<b>Transferred To</b>	<b>Date of Transfer (Actual or Estimated)</b>



Debtor: \_\_\_\_\_  
Case No.: \_\_\_\_\_

### **SCHEDULE C**

Payments completed under the provisions of the plan are as follows:

#### **Administrative Payments/Fees and Taxes:**

- |                                                                                       |          |
|---------------------------------------------------------------------------------------|----------|
| 1. Trustee's Commissions and Expenses                                                 | \$ _____ |
| 2. Accountant's Fees                                                                  | \$ _____ |
| 3. Auctioneer's Fees                                                                  | \$ _____ |
| 4. Appraiser's Fees                                                                   | \$ _____ |
| 5. Attorney's Fees                                                                    |          |
| a. for creditor's committee                                                           | \$ _____ |
| b. for trustee                                                                        | \$ _____ |
| c. for debtor                                                                         | \$ _____ |
| d. other attorney's fees                                                              | \$ _____ |
| 6. Taxes, Fines, Penalties, etc.<br>(11 U.S.C. § 502(b)(1)(B) & (C))                  | \$ _____ |
| 7. Other Non-Operating Costs of Administration<br>(Please itemize on attached sheets) | \$ _____ |

**TOTAL Administrative Payments/Fees and Taxes:** \$ \_\_\_\_\_

#### **Other Priority Payments:**

- |                                                 |          |
|-------------------------------------------------|----------|
| 1. Post Involuntary Petition/Pre-relief Claims  | \$ _____ |
| 2. Wages, etc.                                  | \$ _____ |
| 3. Contributions to Employee Benefit Plans      | \$ _____ |
| 4. Deposits for Undelivered Service or Property | \$ _____ |
| 5. Taxes (11 U.S.C. § 507(a)(6))                | \$ _____ |

**TOTAL Other Priority Payments:** \$ \_\_\_\_\_

#### **Other Payments Completed Under the Plan:**

- |                                    |          |
|------------------------------------|----------|
| 1. Payments to Secured Creditors   | \$ _____ |
| 2. Payments to Unsecured Creditors | \$ _____ |
| 3. Payments to Equity Holders      | \$ _____ |
| 4. Other Distributions             | \$ _____ |

**TOTAL Other Payments Completed Under the Plan:** \$ \_\_\_\_\_

**LOCAL BANKRUPTCY FORM 3022-1.2**

[Caption as in Bankruptcy Official Form 16A]

**CHAPTER 11 FINAL REPORT AND MOTION FOR FINAL DECREE**

(Chapter 11 individual debtor)

Comes now the debtor \_\_\_\_\_,  
by and through its undersigned attorney, and pursuant to the provisions of 11 U.S.C.  
§ 1106(a)(7) as order by this court, and submits that the estate herein is fully administered  
and that all payments under the plan have been completed as follows:

1. That the order confirming the plan has become final;
2. That the deposits required by the plan have been distributed in accordance with the provisions of the plan as shown in Schedule A attached hereto;
3. That all of the property of the debtor has been transferred according to the provisions of the plan as shown in Schedule B attached hereto;
4. That the debtor or the successor has assumed the business or the management of the property dealt with by the plan as applicable;
5. That 11 U.S.C. § 522(q)(1) is not applicable to the debtor and there are no pending proceedings in which the debtor may be found guilty of a felony described in Section 522(q)(1)(A) or liable for a debt of the kind described in Section 522(q)(1)(B).
6. That all motions, contested matters, and adversary proceedings have been finally resolved.
7. If applicable, a statement of completion of a course concerning personal financial management is attached.
8. Other relief as appropriate under the debtor's plan: \_\_\_\_\_

WHEREFOR the debtor herein prays for the entry of the Final Decree pursuant to FED.R.BANKR.P. 3022, finding that the estate has been fully administered and, therefore, ordering the closing of the case.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Debtor(s)

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

Debtor: \_\_\_\_\_  
Case No.: \_\_\_\_\_

### **SCHEDULE A**

Nature and amount of deposits distributed in accordance with the provisions of the plan:

<b>Nature of Deposit</b>	<b>Amount</b>	<b>Distribution</b>

Debtor: \_\_\_\_\_  
Case No.: \_\_\_\_\_

### **SCHEDULE B**

The following property of the debtor has been transferred according to the provisions of the plan:

<b>Nature of Property</b>	<b>Value of Property</b>	<b>Transferred To</b>	<b>Date of Transfer (Actual)</b>

Debtor: \_\_\_\_\_  
Case No.: \_\_\_\_\_

### **SCHEDULE C**

Payments completed under the provisions of the plan are as follows:

#### **Administrative Payments/Fees and Taxes:**

- |                                                                                       |          |
|---------------------------------------------------------------------------------------|----------|
| 1. Trustee's Commissions and Expenses                                                 | \$ _____ |
| 2. Accountant's Fees                                                                  | \$ _____ |
| 3. Auctioneer's Fees                                                                  | \$ _____ |
| 4. Appraiser's Fees                                                                   | \$ _____ |
| 5. Attorney's Fees                                                                    |          |
| a. for creditor's committee                                                           | \$ _____ |
| b. for trustee                                                                        | \$ _____ |
| c. for debtor                                                                         | \$ _____ |
| d. other attorney's fees                                                              | \$ _____ |
| 6. Taxes, Fines, Penalties, etc.<br>(11 U.S.C. § 502(b)(1)(B) & (C))                  | \$ _____ |
| 7. Other Non-Operating Costs of Administration<br>(Please itemize on attached sheets) | \$ _____ |

**TOTAL Administrative Payments/Fees and Taxes:** \$ \_\_\_\_\_

#### **Other Priority Payments:**

- |                                                 |          |
|-------------------------------------------------|----------|
| 1. Post Involuntary Petition/Pre-relief Claims  | \$ _____ |
| 2. Wages, etc.                                  | \$ _____ |
| 3. Contributions to Employee Benefit Plans      | \$ _____ |
| 4. Deposits for Undelivered Service or Property | \$ _____ |
| 5. Taxes (11 U.S.C. § 507(a)(6))                | \$ _____ |

**TOTAL Other Priority Payments:** \$ \_\_\_\_\_

#### **Other Payments Completed Under the Plan:**

- |                                    |          |
|------------------------------------|----------|
| 1. Payments to Secured Creditors   | \$ _____ |
| 2. Payments to Unsecured Creditors | \$ _____ |
| 3. Payments to Equity Holders      | \$ _____ |
| 4. Other Distributions             | \$ _____ |

**TOTAL Other Payments Completed Under the Plan:** \$ \_\_\_\_\_

**LOCAL BANKRUPTCY FORM 3022-1.3**

[Caption as in Bankruptcy Official Form 16A]

**FINAL DECREE**  
(Chapter 11 business debtor)

The estate of the above-named debtor having been fully administered, it is

ORDERED that the chapter 11 case of the above-named debtor is hereby closed.

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
United States Bankruptcy Judge

**LOCAL BANKRUPTCY FORM 3022-1.4**

[Caption as in Bankruptcy Official Form 16A]

**FINAL DECREE**  
(Chapter 11 individual debtor)

The estate of the above-named debtor having been fully administered, it is

ORDERED that the Clerk of Court shall issue a discharge for the debtor pursuant to 11 U.S.C. § 1141.

FURTHER ORDERED THAT ten days following the issuance of the discharge, the chapter 11 case of the above-named debtor shall be closed without further order.

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
United States Bankruptcy Judge



**LOCAL BANKRUPTCY FORM 4001-1.1**

[Caption as in Bankruptcy Official Form 16A]

**NOTICE OF MOTION FOR RELIEF FROM STAY  
AND OPPORTUNITY FOR HEARING PURSUANT TO 11 U.S.C. § 362(d)**

**OBJECTION DEADLINE: (month/day/year).**

YOU ARE HEREBY NOTIFIED that a Motion for Relief from Stay has been filed, a copy of which is attached hereto.

A hearing on the motion has been set for (month/day/ year) at (time) at the U.S. Bankruptcy Court, U.S. Custom House, 721 19<sup>th</sup> Street, Courtroom (  ), Fifth Floor, Denver, Colorado 80202. The hearing will be conducted in accordance with the provisions of L.B.R. 4001-1.

IF YOU DESIRE TO OPPOSE THIS MOTION, you must file with this court a WRITTEN OBJECTION to the motion on or before the objection deadline stated above and serve a copy upon movant's attorney, whose address is listed below.

If you file an objection, you are REQUIRED to comply with L.B.R. 4001-1 regarding hearing procedures, including (1) the timely submission and exchange of witness lists and exhibits and (2) attendance at the above-scheduled hearing in person or through counsel, if represented.

**IF YOU FAIL TO FILE AN OBJECTION**, the scheduled hearing will be **vacated**, and an order granting the relief requested may be granted without further notice to you.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number (if applicable)

Business address (or home address for *pro se*)

Telephone number

Facsimile number

E-mail address

**Commentary**

All dates or deadlines should be printed in bold type face.

[Caption as in Bankruptcy Official Form 16A]

On (month/day/year), (name of Movant), filed a motion pursuant to Local Bankruptcy Rule 4001-1 entitled \_\_\_\_\_, (Docket No. \_\_\_\_). Movant hereby certifies and shows the court:

- WHEREFORE, Movant prays that the court forthwith enter an order, a form of which was submitted to the Court with the Motion (Docket No. \_\_\_\_), granting the requested relief.

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
 Attorney registration number (if applicable)  
 Business address (or home address for *pro se*)  
 Telephone number  
 Facsimile number  
 E-mail address

**LOCAL BANKRUPTCY FORM 4001-1.3**

[Caption as in Bankruptcy Official Form 16A]

**ORDER ON MOTION FOR RELIEF FROM STAY**

\_\_\_\_\_, Movant, has filed herein a motion for relief from stay

1. ☐ to foreclose on and/or take possession and control of property described as follows: \_\_\_\_\_.
2. ☐ to proceed with the liquidation of claims involving the debtor or the debtor's estate pursuant to certain proceedings presently pending in: \_\_\_\_\_.
3. ☐ other: \_\_\_\_\_.

The court, being duly advised, and any objections having been resolved, withdrawn, or overruled, hereby orders that the relief sought by the motion should be granted, and \_\_\_\_\_ (Movant) \_\_\_\_\_, is hereby granted relief from stay in order to proceed to take possession of, by way of the appointment of a receiver and otherwise, and to foreclose on the collateral above described, or if applicable, to proceed with the above described litigation (but not to seek to enforce any judgment \_\_\_\_\_ (Movant) \_\_\_\_\_ may obtain against the debtor personally or the debtor's post-petition property.)

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
United States Bankruptcy Judge

**Commentary**

The court, in its discretion, may use the movant's proposed order, this proposed form of order or enter a virtual order.

**LOCAL BANKRUPTCY FORM 4001-2.1**

[Caption as in Bankruptcy Official Form 16A]

**NOTICE OF MOTION REGARDING TERMINATION, ABSENCE,  
OR EXTENSION OF AUTOMATIC STAY**

**OBJECTION DEADLINE: (month/day/year).**

YOU ARE HEREBY NOTIFIED that a Motion regarding (insert specific type of motion, i.e. termination, absence, extension or imposition of stay or determination that property is of consequential value) has been filed, a copy of which is attached hereto.

A hearing on the motion has been set for (month/day/ year) at (time) at the U.S. Bankruptcy Court, U.S. Custom House, 721 19<sup>th</sup> Street, Courtroom ( ), Fifth Floor, Denver, Colorado 80202.

IF YOU DESIRE TO OPPOSE THIS MOTION, you must file with this court a WRITTEN OBJECTION to the motion on or before the objection deadline listed above, and serve a copy upon Movant's attorney, whose address is listed below.

If you file an objection, you are REQUIRED to comply with L.B.R. 4001-1(c) regarding hearing procedures, including (1) the timely submission and exchange of witness lists and exhibits and (2) attendance at the above-scheduled hearing in person.

**IF YOU FAIL TO FILE AN OBJECTION**, the scheduled hearing will be **vacated** and an order granting the relief requested may be granted without further notice to you.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number (if applicable)

Business address (or home address for *pro se*)

Telephone number

Facsimile number

E-mail address

**Commentary**

All dates or deadlines should be printed in bold type face.

**LOCAL BANKRUPTCY FORM 4001-2.2**

[Caption as in Bankruptcy Official Form 16A]

**ORDER CONFIRMING TERMINATION OR ABSENCE OF STAY**

\_\_\_\_\_, Movant, has filed herein a request seeking an order confirming termination or absence of the automatic stay of 11 U.S.C. § 362(c).

[ ] [*insert as applicable – stay terminated after 30 days*] The record reflects that the debtor(s) previously filed a bankruptcy petition less than one year prior to the current filing but was dismissed. Pursuant to 11 U.S.C. § 362(c)(3), the court confirms that the stay as to \_\_\_\_\_ terminated effective, (month/day/year), thirty (30) days following the petition date.

[ ] [*insert as applicable – absence of stay*] The record reflects that the debtor(s) had two (2) or more bankruptcy petitions pending within the one year period prior to the current filing but were dismissed. Pursuant to 11 U.S.C. § 362(c)(4)(A)(ii), the court confirms that no stay is in effect.

[ ] [*insert as applicable – absence of stay with respect to specific property*] The record reflects that the debtor(s) failed to comply with 11 U.S.C. § 521(a)(2). Pursuant to 11 U.S.C. § 362(h), it is the order of this court that the stay does not apply to the following personal property: \_\_\_\_\_ (description of personal property), and such property is no longer property of the estate.

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
United States Bankruptcy Judge

**LOCAL BANKRUPTCY FORM 4008-1.1**

[Caption as in Bankruptcy Official Form 16A]

**COVER SHEET FOR REAFFIRMATION AGREEMENT**

This form must be completed in its entirety and filed within the time set under FED. R. BANKR. P. 4008. It may be filed by any party to the reaffirmation agreement. The filer also must attach a copy of the reaffirmation agreement to this cover sheet.

Debtor's Name: \_\_\_\_\_ Creditor's Name: \_\_\_\_\_

1. Amount of debt as of commencement of case: \$ \_\_\_\_\_

2. Amount of debt being reaffirmed: \$ \_\_\_\_\_

3. Describe collateral, if any, securing debt: \_\_\_\_\_  
\_\_\_\_\_

4. Repayment term of reaffirmation (number of months): \_\_\_\_\_

5. Monthly payment:

Prior to reaffirmation: \$ \_\_\_\_\_ After reaffirmation: \$ \_\_\_\_\_

6. Annual percentage rate under reaffirmation:

Prior to reaffirmation: \_\_\_\_\_ After reaffirmation: \_\_\_\_\_

7. Debtor's monthly income at time of reaffirmation: \$ \_\_\_\_\_

8. Income from Schedule I, line 16: \$ \_\_\_\_\_

9. Explain any difference in the amounts set out on lines 7 and 8: \_\_\_\_\_  
\_\_\_\_\_

10. Debtor's monthly expenses at time of reaffirmation: \$ \_\_\_\_\_  
(do not include the monthly expense of this reaffirmed debt)

11. Current expenditures from Schedule J, line 18: \$ \_\_\_\_\_

12. Explain any difference in the amounts set out on lines 10 and 11: \_\_\_\_\_

- ☐ Check this box if the amount on Line 10 of this form exceeds the amount on Line 7 of this Form. If these expenses exceed the income, a presumption of undue hardship arises.
- ☐ Check this box if the debtor was not represented by counsel during the course of negotiating this reaffirmation agreement.

13. Do the loan documents and/or sale and security agreement between the parties provide for (1) a default upon borrower filing for bankruptcy relief or becoming insolvent \_\_\_\_\_yes \_\_\_\_\_no; and/or (2) the cross-collateralization of other assets of the debtor? \_\_\_\_\_yes \_\_\_\_\_no.<sup>1</sup>

### FILER'S CERTIFICATION

I, \_\_\_\_\_, hereby certify that the attached agreement is a true and correct copy of the reaffirmation agreement between the parties identified on this Cover Sheet for Reaffirmation Agreement.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to/Agent for* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

### DEBTOR'S CERTIFICATION

(see FED. R. BANKR. PRO. 4008(b))

I, (name of debtor), certify that any explanation contained on lines 9 or 12 of this form is true and correct.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of debtor  
Printed name of debtor  
Home address  
Telephone number  
Facsimile number  
E-mail address

<sup>1</sup> If creditor does not sign this document, the information must be provided by the creditor on L.B. Form 4008-1.2.

I, (name of joint-debtor), certify that any explanation contained on lines 9 or 12 of this form is true and correct.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Signature of joint-debtor

Printed name of joint-debtor

Home address

Telephone number

Facsimile number

E-mail address

#### **ATTORNEY SIGNATURE**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number (if applicable)

Business address (or home address for *pro se*)

Telephone number

Facsimile number

E-mail address

#### **Commentary**

[Source GPO 2008-2]



**LOCAL BANKRUPTCY FORM 4008-1.2**

[Caption as in Bankruptcy Official Form 16A]

**CREDITOR DECLARATION REGARDING THE REAFFIRMATION AGREEMENT**

Creditor declares as follows:

\_\_\_\_ The loan documents or sale and security agreement between the parties **DO**  
provide for:

(1) a default upon borrower filing for bankruptcy relief or becoming insolvent

\_\_\_\_yes \_\_\_\_no; and/or

(2) the cross-collateralization of other assets of the debtor . \_\_\_\_yes \_\_\_\_no.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to/Agent for* \_\_\_\_\_

Attorney registration number (if applicable)

Business address (or home address for *pro se*)

Telephone number

Facsimile number

E-mail address

**LOCAL BANKRUPTCY FORM 7041.1**

[Adversary Caption as in Bankruptcy Official Form No. 16D]

**NOTICE OF MOTION TO DISMISS PROCEEDING  
TO DENY OR REVOKE DISCHARGE**

**OBJECTION DEADLINE:** \_\_\_\_\_

YOU ARE HEREBY NOTIFIED that a motion to dismiss a proceeding to deny the debtor's discharge has been filed with this court (the "Motion").

The following consideration was promised or given, directly or indirectly, to allow for dismissal: \_\_\_\_\_.

Attached as exhibits to the Motion and this Notice are statements of claims and defenses asserted in the proceeding. Copies of the Motion with its exhibits and attachments (Docket No. \_\_\_\_), the complaint (Docket No. \_\_\_\_ ) and any answer and/or defenses (Docket No. \_\_\_\_ ) are served upon the United States Trustee and case trustee and are available for inspection in the U.S. Bankruptcy Court Clerk's Office, or upon request from the undersigned attorney.

If you desire to oppose this action you must file a written objection and request for a hearing with the court on or before the objection deadline stated above, and serve a copy thereof on the undersigned attorney. Objections and requests for hearing must clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. General objections will not be considered by the court.

In the absence of a timely and substantiated objection and request for hearing by an interested party, the court may approve or grant the aforementioned application without any further notice to creditors or other interested parties.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number (if applicable)

Business address (or home address for *pro se*)

Telephone number

Facsimile number

E-mail address

**Commentary**

All dates or deadlines should be printed in bold type face.

Do not delete any provision of this form. Mark provisions that do not apply as N/A.

Any additional provisions must be printed in bold type face.

**LOCAL BANKRUPTCY FORM 8007-1.1**

[Caption as in Bankruptcy Official Form 16D]

**TRANSCRIPT REQUEST**

A transcript has been ordered from \_\_\_\_\_  
for the following date(s) \_\_\_\_\_ to be included in the Designation of  
the Record for appeal number \_\_\_\_\_. The expected date of arrival of the  
completed transcript is \_\_\_\_\_.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

**LOCAL BANKRUPTCY FORM 8007-1.2**

[Caption as in Bankruptcy Official Form 16D]

**ACKNOWLEDGMENT OF TRANSCRIPT REQUEST BY TRANSCRIBER**

A transcript has been ordered by \_\_\_\_\_ for  
the following date(s) \_\_\_\_\_ to be included in the Designation of the  
Record for appellate case number \_\_\_\_\_. The expected date of arrival of the  
completed transcript is \_\_\_\_\_.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Transcription Co.  
Business address  
Telephone number  
Facsimile number  
E-mail address

**LOCAL BANKRUPTCY FORM 9010-3.1**

[Caption as in Bankruptcy Official Form 16A]

**LAW STUDENT APPEARANCE**

1. Law Student Certification

I \_\_\_\_\_ certify that:

(a) I am duly enrolled in \_\_\_\_\_ law school in accordance with L.B.R. 9010-3.

(b) I am receiving no compensation from the client in accordance with L.B.R. 9010-3.

(c) I am familiar with and will comply with the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Federal Rules of Bankruptcy Procedure, and this court's Local Bankruptcy Rules and website ([www.cob.uscourts.gov](http://www.cob.uscourts.gov)).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of student

\_\_\_\_\_  
Printed name of student

2. Law School Certification

I, \_\_\_\_\_, certify that this student:

(a) has completed at least two semesters of law school, including a course in Evidence, and is enrolled in (or has completed) an approved clinical program at the law school;

(b) is qualified, to the best of my knowledge, to provide the legal representation permitted by L.B.R. 9010-3;

(c) that \_\_\_\_\_, who will serve as supervising attorney, is employed in a clinical program approved by this school.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Dean or authorized designee

\_\_\_\_\_  
Printed name of Dean or authorized designee

\_\_\_\_\_  
Position of above

3. Supervising Attorney's Certification

As a member of the bar of the United States District Court for the District of Colorado, I certify that I will:

(a) assume personal professional responsibility for the student's work in accordance with L.B.R. 9010-3:

(b) guide and assist this student as necessary or appropriate under the circumstances; and

(c) appear with this student in all proceedings in this matter.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number

Business address

Telephone number

Facsimile number

E-mail address

**LOCAL BANKRUPTCY FORM 9013-1.1**

[Caption as in Bankruptcy Official Form 16A]

**NOTICE OF (TITLE OF MOTION/APPLICATION)**

**OBJECTION DEADLINE: (month/day/year).**

**YOU ARE HEREBY NOTIFIED** that (name of movant) has  
filed (full title of motion/application), with the bankruptcy court and  
requests the following relief: (summary of motion/application)\*  
\_\_\_\_\_.

If you oppose the motion or object to the requested relief your objection and request for hearing must be filed on or before the objection deadline stated above, served on the movant at the address indicated below, and must state clearly all objections and any legal basis for the objections. The court will not consider general objections.

In the absence of a timely, substantiated objection and request for hearing by an interested party, the court may approve or grant the requested relief without any further notice to creditors or other interested parties.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Movant or Counsel to Movant* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

**Commentary**

\* Insert a specific statement describing the requested relief or intended action to be taken, in sufficient detail to meaningfully inform the parties receiving the notice.

All dates or deadlines should be printed in bold type face.

In addition to the Motion, Notice, and proposed order, the Movant must file a copy of the Certificate of Service, L.B. Form 9013-1.2.

**LOCAL BANKRUPTCY FORM 9013-1.2**

[Caption as in Bankruptcy Official Form 16A]

**CERTIFICATE OF SERVICE**

**9013-1 Certificate of Service of Motion, Notice and Proposed Order**

The undersigned certifies that on           (month/day/year)          , I served by prepaid first class mail [or           (other acceptable means, i.e. via hand delivery)          ] a copy of the (full name of motion or application), notice and proposed order on all parties against whom relief is sought and those otherwise entitled to service pursuant to the FED. R. BANKR. P. and these L.B.R. at the following addresses:

**2002-1 Certificate of Service of Notice (if applicable):**

The undersigned further certifies that on           (month/day/year)          , I served by prepaid first class mail [or           (other acceptable means, i.e. via hand delivery)          ] a copy of the foregoing Notice in accordance with FED. R. BANKR. P. 2002 and 11 U.S.C. § 342(c) (if applicable) on parties in interest contained on the attached list, which is a copy of the court's Creditor Address Mailing Matrix for this case, obtained from PACER on           (month/day/year)          , and, if applicable, other interested parties the movant mailed notice at the following addresses:

Dated: \_\_\_\_\_

By: \_\_\_\_\_

[Caption as in Bankruptcy Official Form 16A]

On (month/day/year), (name of party), Movant, filed a motion or application pursuant to L.B.R. 9013-1 entitled (title of motion or application). Movant hereby certifies that the following is true and correct:

197



[Caption as in Bankruptcy Official Form 16A]

On (month/day/year), (name of party), [Movant or Respondent], filed a motion or application pursuant to L.B.R. 9013-1 or 2002-1 entitled (title of motion or application) (Docket No. \_\_\_\_). Movant/Respondent hereby represents and shows the court:

2. [MOVANT ONLY, IF APPLICABLE] Movant certifies that mailing or other service of the notice was timely made on all other creditors and parties in interest pursuant to L.B.R. 9013-1 and 2002-1 (or in the manner permitted by an order of the court, a copy of which is attached), as is shown on the certificate of service, L.B. Form 9013-1.2, previously filed with the notice on \_\_\_\_\_ (month/day/year).

a. \_\_\_\_\_, (Docket No.\_\_\_\_)

b. \_\_\_\_\_, (Docket No.\_\_\_\_)

- a. the motion and all documents attached thereto and served therewith, (Docket No.\_\_\_\_);
- b. the notice, (Docket No.\_\_\_\_);
- c. the certificate of service of the motion and the notice, (Docket No.\_\_\_\_);
- d. the proposed order, (Docket No.\_\_\_\_); and
- e. other: \_\_\_\_\_, (Docket No. \_\_\_\_).

198

6. [IF APPLICABLE] Resolution of this contested matter may benefit from a preliminary hearing to resolve the following disputed legal issues:                     (insert summary of disputed legal issues)                    .

7. [IF APPLICABLE] Resolution of this contested matter will require an evidentiary hearing. Movant/Respondent estimates the hearing will proceed as follows:  
[INSERT AS APPLICABLE]

- (a) a summary of the factual issues to be tried;
- (b) estimate of time required for hearing;
- (c) the number of witnesses anticipated;
- (d) whether expert witness testimony will be required; and
- (e) whether any discovery will be necessary and, if so, the nature of, and time required for, the discovery needed.

WHEREFORE, (Movant /Respondent) prays that the court set this matter for hearing pursuant to L.B.R. 9013-1.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

*Counsel to* \_\_\_\_\_

Attorney registration number (if applicable)

Business address (or home address for *pro se*)

Telephone number

Facsimile number

E-mail address

**LOCAL BANKRUPTCY FORM 9070-1.1**

[Caption as in Bankruptcy Official Form 16A]

**LIST OF WITNESSES AND EXHIBITS**

\_\_\_\_\_ (Movant/Respondent/Plaintiff/Defendant) (the “Party”),  
through undersigned counsel, hereby designates the following witnesses and exhibits for  
the hearing/trial on      (month/day/year)     , at      (time)      in Courtroom      .

**WITNESSES**

Party **will call** the following witnesses:

1. \_\_\_\_\_, to testify regarding: \_\_\_\_\_.
2. \_\_\_\_\_, as an adverse witness.

Party **may call** the following witnesses:

1. \_\_\_\_\_, to testify regarding \_\_\_\_\_.
2. \_\_\_\_\_, to testify regarding \_\_\_\_\_.

**EXHIBITS**

Party intends to introduce as exhibits at trial those exhibits enumerated in Attachment 1,  
attached hereto and incorporated herein.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
*Counsel to* \_\_\_\_\_  
Attorney registration number (if applicable)  
Business address (or home address for *pro se*)  
Telephone number  
Facsimile number  
E-mail address

[Caption as in Bankruptcy Official Form 16A]

**ATTACHMENT 1**

**EXHIBITS FOR HEARING**

Submitted by: \_\_\_\_\_ (name of party) \_\_\_\_\_.

In connection with: \_\_\_\_\_ (date and nature of hearing or trial) \_\_\_\_\_.

<b>Exhibit Number</b>	<b>Description</b>	<b>Offered (Yes/No)</b>	<b>Admitted (Yes/No)</b>	<b>Additional Comments</b>

UNITED STATES  
BANKRUPTCY COURT  
DISTRICT OF COLORADO

**LOCAL**  
**BANKRUPTCY**  
**APPENDIX**



December 1, 2009

**APPENDIX**  
**Table of Contents**

<b>L.B.R. 1007-1APP .....</b>	<b>202</b>
LISTS, SCHEDULES, STATEMENTS & OTHER DOCUMENTS	
<b>L.B.R. 1007-2APP .....</b>	<b>204</b>
INSTRUCTIONS REGARDING CREDITOR ADDRESS MAILING MATRIX	
<b>L.B.R. 1017-3APP .....</b>	<b>207</b>
UNITED STATES TRUSTEE’S STANDING MOTION TO DISMISS DEFICIENT CASE	
<b>L.B.R. 2016-2APP .....</b>	<b>208</b>
GUIDELINES FOR MONTHLY INTERIM COMPENSATION PROCEDURES IN CHAPTER 11 CASES	
<b>L.B.R. 4001-APP .....</b>	<b>210</b>
GUIDELINES FOR MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY	
<b>L.B.R.4001--3APP .....</b>	<b>212</b>
CASH COLLATERAL AND POST-PETITION FINANCING	
<b>L.B.R. 5005-4APP .....</b>	<b>214</b>
ECF ADMINISTRATIVE PROCEDURES	

## **L.B.R. 1007-1APP**

### **LISTS, SCHEDULES, STATEMENTS & OTHER DOCUMENTS**

**(a) Schedules, Statements and Other Documents Required:** The following original documents should be submitted in the following sequence to constitute a filing of a complete Voluntary Petition Packet for Relief under Chapters 7, 11, 12 and 13 (a link to the forms can be located and obtained from [www.cob.uscourts.gov](http://www.cob.uscourts.gov)):

- (1) Cover Sheet – L.B. Form 1002-1.1 (for paper filed cases only)
- (2) Voluntary Petition – Official Form 1
- (3) Statement of Financial Affairs – Official Form 7
- (4) Summary of Schedules A–J and Statistical Summary of Certain Liabilities – Official Form 6–Summary
- (5) Schedules A, B, C, D, E, F, G and H – Official Forms 6A through 6H
- (6) For individual filers, Schedules I and J – Official Forms 6I and 6J
- (7) Declaration Concerning Debtor’s Schedules – Official Form 6
- (8) Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer – Official Form 19 (submitted only if debtor used the services of a bankruptcy petition preparer)
- (9) For each individual debtor, copies of all payment advices, paycheck stubs, or other evidence of all salary, commissions or income received within 60 days before the bankruptcy case was filed, copied on 8 ½ by 11 paper with the debtor’s full name printed on top of each page (and bankruptcy case number, if a number has been assigned); or, if applicable, complete L.B. Form 1007-6.1 (“Statement Under Penalty of Perjury Concerning Payment Advices”) for each debtor.
- (10) Disclosure of Compensation of Attorney for Debtor, if applicable – Director’s Procedural Form B 203
- (11) Creditors Matrix (see L.B.R. 1007-2 and L.B.R. 1007-2App for instructions).
- (12) Verification of Creditors Matrix – L.B. Form 1007-2.1.

**(b) Additional Items due from Individual Debtors:**

**Any Chapter:**

- (1) Certificate of Credit Counseling or Motion/Certification for Exemption or Exception, L.B. Form 1007-1.1.
- (2) Statement of Social Security number – Official Form 21
- (3) A record of any interest in an education IRA or qualified state tuition program (see 26 U.S.C. § 529)
- (4) Statement of Military Service – Director’s Procedural Form 202

**Chapter 7 Individual Debtors:**

- (1) Statement of Current Monthly Income and Means Test Calculation – Official Form 22A
- (2) Statement of Intention – Official Form 8

**Chapter 11 Individual Debtors:**

- (1) Statement of Current Monthly Income – Official Form 22B

**Chapter 13 Individual Debtors:**

- (1) Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income (Chapter 13) – Official Form 22C
- (2) Chapter 13 Plan – L.B. Form 3015-1.1

**(c) Additional Items due from Chapter 11 Debtors:**

- (1) List of Twenty Largest Creditors – Official Form 4
- (2) Corporate Ownership Statement as required by FED. R. BANKR. P. 1007(a)(1) – L.B. Form 1007-4.1.
- (3) List of Equity Interest Holders as required by FED. R. BANKR. P. 1007(a)(3) – L.B. Form 1007-4.2.
- (4) Small Business Debtors – the following items pursuant to 11 U.S.C. § 1116(1)(A) or a statement under penalty of perjury that no such document exists pursuant to 11 U.S.C. § 1116(1)(B):
  - (i) balance sheet
  - (ii) statement of operations
  - (iii) cash-flow statement
  - (iv) Federal income tax return



## **L.B.R. 1007-2APP**

### **INSTRUCTIONS REGARDING CREDITOR ADDRESS MAILING MATRIX**

**(a) Instructions:** In order to ensure that the debtor's verified list of creditors, referred to as the Creditor Address Mailing Matrix, is properly formatted and loaded into the electronic case management system, the debtor must comply with the following instructions and guidelines:

(1) The completed original/amended Creditor Address Mailing Matrix must be saved as a **TEXT** (.txt) file type and submitted to the court on a Compact Disk (CD), a Digital Video Disk (DVD) or a 3-1/2 inch 1.44 MB diskette in lieu of a printed paper copy (Do NOT use 720K Dual Density diskettes or MAC formatted diskettes). **TEXT** files, when saved properly will have a ".txt" extension after the file name. For example, if a Creditor Address Mailing Matrix file is saved with the name of 'creditor', the full file name will be '**creditor.txt**'. **A HARD COPY (PAPER) OF THE COMPLETED MATRIX IS NOT REQUIRED.**

(2) All PCs having a WINDOWS Operating System have a package called **NOTEPAD** under Programs, Accessories, NOTEPAD. NOTEPAD is a basic word processor and will easily save a **TEXT** file as its basic file type. Also, word processing packages and petition preparation packages may have different descriptions for **TEXT** file types. For example, newer versions of MS WORD will use **TEXT ONLY** (.txt) as a file type. Similarity, newer versions of WordPerfect will have **ASCII DOS TEXT** as a file type. All of the above referenced word processing programs are acceptable, but you may find NOTEPAD the easiest to use when saving a **TEXT** file.

(3) The name and address of each creditor, including a box or street number, city, state and zip code must be listed. If an assignment of the account or debt is known, the full names and addresses of both the original creditor and assignee must be listed. If the debt is in the hands of an attorney or other agent for collection, the full names and addresses of both the creditor and attorney or other agent should be listed, if known. **Do NOT list full account numbers, only the last four digits of the account number. Do NOT list the amount owed to the creditor on the Creditor Address Mailing Matrix.**

(4) Creditor Address Mailing Matrix on diskette should be prepared as follows:

- (A) Do NOT include page titles, headers, or page numbers
- (B) One single column per page
- (C) Five (5) lines per address maximum
- (D) Special characters such as @#\$%^&\*()\_+? are not permitted
- (E) City, state and zip code must be on one (1) line
- (F) City, state and zip code must be on the last line of the address

- (G) Triple space between each creditor's address
- (H) Maximum of forty (40) characters per line

(5) Do **NOT** include the names and addresses for the following people as they will be retrieved automatically by the system for noticing:

- (A) Debtor and/or joint debtor
- (B) Attorney for the debtor
- (C) Any Chapter Trustee (Ch. 7, 12, 13)
- (D) The United States Trustee

(6) The **Verification of Creditor Address Mailing Matrix**, L.B. Form 1007-2.1, must be prepared and filed along with the CD/DVD or diskette.

(7) A supplemental or amended Creditor Address Mailing Matrix must include **ONLY new creditors NOT PREVIOUSLY SUBMITTED. DO NOT include creditors submitted on a previous CD/DVD or diskette.** See L.B.R. 1009-1 for additional information on amending the Creditor Address Mailing Matrix and Schedules.

(8) If you wish to change the address of a creditor already submitted, file a completed Change of Address form and DO NOT file an amended Creditor Address Mailing Matrix.

**(b) Sample:** The Creditor Address Mailing Matrix should look like the format below the line. Please remember that headings, titles, and page numbers are not necessary.  
(Note: the samples below are not actual addresses)

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#### **SAMPLE CREDITOR ADDRESS MAILING MATRIX**

Sears Credit  
Re: XX XXX 4587  
123 Main St.  
Denver, CO 80202

Wells Fargo Bank  
Re: XX XXX 9852  
8000 W. Major Blvd.  
Chicago, IL 12345

BankOne  
Re: XX XXX 5412  
MasterCard Dept.  
4567 Highway 85  
Fargo, ND 11333

(c) The “Creditor Address Mailing Matrix” with an updated list of all creditors, parties in interest and parties who have filed entries of appearance, etc., can be obtained from CM/ECF under the Utilities menu by selecting Mailing Labels by Case under the mailings category.

### **Commentary**

[Source: Amended GPO 2001-7]

**L.B.R. 1017-3APP**

**UNITED STATES TRUSTEE'S STANDING MOTION  
TO DISMISS DEFICIENT CASE**

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLORADO**

IN RE: )  
 )  
 ) Case No.  
 )  
 Debtor. )  
 )  
 )

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**UNITED STATES TRUSTEE'S STANDING MOTION TO DISMISS DEFICIENT CASE**

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The United States Trustee ("UST") hereby moves the Court to dismiss any case where there is a deficient filing as defined in L.B.R. 1017-3 upon the following grounds:

1. The failure to timely file lists, schedules, statements and other required documents to commence a case as required by the Court, Bankruptcy Code and Rules unreasonably delays the efficient administration of cases and is prejudicial to the trustee, creditors and other parties in interest.
2. A deficient case as defined in L.B.R. 1017-3(a)(1), is cause for dismissal pursuant to 11 U.S.C. §§ 707(a)(1) & (3), 1112(b)(4)(F) and (e), 1208(c)(1) and 1307(c)(1) & (9).
3. The deficiencies in the filings in this case constitute cause for dismissal pursuant to L.B.R.1017-3.

Wherefore, the UST respectfully requests that the Court dismiss, after notice as provided for in L.B.R. 1017-3, any case in which there is a deficient case filing as defined in L.B.R. 1017-3, and for such other and further relief as the Court deems appropriate.

Respectfully submitted,

CHARLES F. McVAY  
UNITED STATES TRUSTEE  
/s/Gregory M. Garvin  
By: Gregory M. Garvin, #38460  
Assistant United States Trustee  
999 18th Street, Suite 1551  
Denver, CO 80202  
(303) 312-7242  
(303) 312-7259 fax  
[gregory.garvin@usdoj.gov](mailto:gregory.garvin@usdoj.gov)

## **L.B.R. 2016-2APP**

### **GUIDELINES FOR MONTHLY INTERIM COMPENSATION PROCEDURES IN CHAPTER 11 CASES**

(a) Guidelines: The party seeking interim compensation procedures pursuant to L.B.R. 2016-2 must comply with the order authorizing such compensation and the procedures established therein concerning monthly statements, interim fee applications, and the final fee application. These guidelines are subject to change on a case-by-case basis.

(1) The court may authorize the debtor to pay professionals less than all requested interim fees and expenses subject to interim and final approval pursuant to 11 U.S.C. § 331.

(2) The interim fee application and proposed order must contain at least a 25% “hold-back” on fees. All of the fees requested may be allowed on an interim basis, however payment will only be allowed in a maximum amount of 75% of the allowed fees and 100% of the allowed costs.

(3) To the extent any fees or expenses are not finally approved by the court, they must be offset against the 25% hold-back or be disgorged from the professional as appropriate.

(4) Once a month, and within fourteen (14) days from the end of the month for which compensation is sought, professionals must submit a detailed monthly statement including a billing statement to the debtor or party responsible for payment in a form generally acceptable for fee applications.

(5) Professionals must also submit each monthly statement to debtor’s counsel, the United States Trustee, any appointed chapter 11 trustee, and to counsel for any unsecured creditors’ committee (or if there is no counsel of record, to all members of the committee), and as requested by parties-in-interest, collectively the “noticed parties.”

(6) The noticed parties will have fourteen (14) days to raise any objections to the requested fees in the monthly statement, specifically stating the nature of the objection and the amount of the objectionable fees.

(7) If the parties are unable to resolve any disputes they may file a motion seeking resolution by the court.

(8) Once the fourteen (14) day notice period has passed and/or all objections have been resolved, the debtor may pay its professionals the monthly compensation without further order of the court if the debtor has sufficient cash reserves to pay its administrative creditors. All monthly fees paid without a court order are subject to the interim and final fee applications filed with the court, and therefore subject to disgorgement.

(9) Parties subject to a monthly interim compensation procedure order must:

(A) comply with 11 U.S.C. § 330, L.B.R. 2016-1 and L.B. Form 2016-1.1 for interim and final compensation approval,

(B) file formal interim fee applications at least once every 120 days and not more than every 180 days, and

(C) seek final approval of all interim compensation fee applications by filing a final fee application.

(10) Failure to object to a monthly statement does not constitute waiver of the right to object to a formal interim or final fee application.

### **Commentary**

Review the procedures for each Chambers at [www.uscourts.gov](http://www.uscourts.gov) to see if additional information on interim compensation is available

## **Local Bankruptcy Rule 4001-1APP**

### **GUIDELINES FOR MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY**

**1. Preliminary Recitals:**

- Date Petition was filed;
- The nature of relief sought: terminate stay, annul stay, modify stay, condition stay or describe any other relief sought; and
- State whether the relief sought is from the co-debtor's stay.

**2. MOVANT:**

- Identify the name of the Movant and whether the Movant is a secured creditor, lessor or describe what other interest the Movant claims in the matter for which relief is sought.
- Attach to the motion for relief or include in the preliminary hearing exhibits the endorsements or other supporting documentation to evidence moving party's standing.

**3. COLLATERAL:**

- Provide type and address of real property;
- Provide year, make and model of vehicle;
- Describe any other personal property; and
- State the fair market value of collateral, the source for that value and the date of any appraisal on the collateral.

**4. DEBT:**

- Provide the amount of the contract balance as of the filing of the motion;
- Provide the amount of the monthly payment and specify whether the amount includes principal, interest, taxes, insurance and identify any other charges.

**5. DEFAULT:**

- State the number of months and amount of the pre-petition default, if any;
- State the number of months and amount of the post-petition default, if any;
- State the amount of any other default or amounts owed;
- Payment history: If a default is alleged as to payment on the debt, attach a detailed payment history regarding the debt and arrearages to the motion and include it, or any updated version, in the preliminary hearing exhibits;
- State the date of any notice of default;
- State the date of any Notice of Trustee's Sale;
- State the amount of any advances to senior lienholders; and
- State whether the debtor has requested a loan modification and the status of any requested loan modification.

**6. OTHER ALLEGATIONS:**

- Recitals concerning lack of adequate protection, 11 U.S.C. § 362(d)(1):
  - State whether there is insurance;
  - State the amount of any unpaid taxes;

- State whether and why the asset is rapidly depreciating asset; and
- State any other allegations in support of a lack of adequate protection.
- Recitals concerning no equity and not necessary for an effective reorganization, 11.U.S.C. § 362(d)(2):
  - If equity is an issue provide information regarding the status of other liens and encumbrances, if known (e.g. trust deeds, tax liens, etc.), and include the approximate outstanding balance of the other liens and encumbrances.
- Recitals concerning other “cause,” 11 U.S.C. § 362(d)(1):
  - Describe any pertinent information in support of bad faith; and
  - Provide any other pertinent information or reasons for filing motion (i.e. to pursue state court litigation).
- Recitals concerning in rem relief, 11 U.S.C. § 362(d)(4):
  - Describe any pertinent information in support of property transfers or multiple filings that would support the relief.

### **Commentary**

The guidelines in L.B. Rule 4001-1APP are intended to provide relevant information, as applicable, in the motion filed pursuant to Fed.R.Bankr. P. 4001 and L.B.R. 4001-1.



## **LOCAL BANKRUPTCY RULE 4001-3APP**

### **CASH COLLATERAL AND POST-PETITION FINANCING**

**(a) Provisions that will not normally be approved without a demonstration of need or cause:**

- (1) Cross-collateralization clauses (clauses that secure prepetition debt by postpetition assets in which the secured party would not otherwise have a security interest by virtue of its prepetition security agreement), except as a means of providing adequate protection for use of cash collateral, to the extent of deterioration of a secured creditor's position. See 11 U.S.C. § 552.
- (2) Provisions or findings of fact that bind the estate or all parties in interest with respect to the validity, perfection or amount of the secured party's lien or debt.
- (3) Provisions or findings of fact that bind the estate or all parties in interest with respect to the relative priorities of the secured party's lien and liens held by persons who are not party to the stipulation (This would include, for example, an order approving a stipulation providing that the secured party's lien is a "first priority" lien.).
- (4) Waivers of 11 U.S.C. § 506(c).
- (5) Provisions that operate, as a practical matter, to divest the debtor-in-possession of any discretion in the formulation of a plan, administration of the estate or limit access to the court to seek any relief under other applicable provisions of law.
- (6) Releases of liability for the creditor's alleged prepetition torts or breaches of contract.
- (7) Waivers of avoidance actions arising under the Bankruptcy Code.
- (8) Automatic relief from the automatic stay upon default, conversion to Chapter 7, or appointment of a trustee.
- (9) Waivers of the procedural requirements for foreclosure mandated under applicable non-bankruptcy law.

(10) Adequate protection provisions that create liens on claims for relief arising under the Bankruptcy Code (see 11 U.S.C. §§ 506(c), 544, 545, 547, 548, and 549).

(11) Waivers, effective on default or expiration, of the debtor's right to move for a court order pursuant to 11 U.S.C. § 363(c)(2)(B) authorizing the use of cash collateral in the absence of the secured party's consent.

(12) Findings of fact on matters extraneous to the approval process.

**(b) Provisions that generally may be approved:**

(1) Withdrawal of consent to use cash collateral or termination of further financing, upon occurrence of a default or conversion to Chapter 7.

(2) Securing any postpetition diminution in the value of the secured party's collateral with a lien on postpetition collateral.

(3) Securing new advances or secured position value diminution with a lien on other assets of the estate.

(4) Reasonable reporting requirements.

(5) Reasonable budgets and use restrictions.

(6) Expiration date for the stipulation.

(7) Subject to showing need or cause, the provisions listed above in (a)(3) and (a)(5-7) may be approved if the provisions bind only the debtor-in-possession, but not its successors.

## **LOCAL BANKRUPTCY RULE 5005-4APP**

### **ECF ADMINISTRATIVE PROCEDURES**

Several Local Bankruptcy Rules deal specifically with the requirements and implications of electronic filing. Please see L.B.R. 5005-4 on Electronic Filing; L.B.R. 9004-1 Papers–Requirements of Form; L.B.R. 9011–4 Signatures and 9036-1 Notice by Electronic Transmission. Your knowledge of the provisions of those rules is vital for the successful use of ECF and compliance with the ECF Administrative Procedures.

These ECF Administrative Procedures highlight many of the provisions, implications and pertinent information related to electronic filing.

#### **(a) Eligibility and Registration for the Electronic Filing System**

(1) Eligibility. Attorneys admitted to practice in the District of Colorado, and others as the court deems appropriate, who file, on average, one or more documents per week must register as Electronic Filers in the court's ECF system. Attorneys who file, on average, less than one document per week may register as Electronic Filers in the court's ECF system.

#### **(2) Registration.**

(A) Each Electronic Filer registering for CM/EC must enroll themselves and/or their designated staff person in and complete a CM/ECF Electronic Filer Training Program conducted by the Clerk. The Clerk will use his discretion in a fair and nondiscriminatory manner to ensure that all registrants are treated fairly. Attorneys to whom these ECF Procedures mandatorily apply will be given preference in training class scheduling and may enroll two persons for any scheduled class. Attorneys to whom these ECF Procedures are discretionary, may enroll only one person for any scheduled class, and classes may be rescheduled to accommodate those attorneys to whom mandatory ECF Procedures apply.

(B) In lieu of attending a training class conducted by the Clerk, each Electronic Filer must obtain and complete a self-directed training program available from the Clerk. Self-enrollment for the Training Program will be via online at [https://ecf.cob.uscourts.gov/ecf\\_training.htm](https://ecf.cob.uscourts.gov/ecf_training.htm).

(C) Registration requires the Electronic Filer applicant's name, address, telephone number, Internet e-mail address, and a declaration that the Electronic Filer, if an attorney, is admitted to practice in the District of Colorado. Upon completion of the online registration, the Clerk will transmit a registration confirmation form back to the Electronic Filer applicant. All registration form must be submitted to the Clerk, U. S. Bankruptcy Court, District

of Colorado, 721 19<sup>th</sup> Street, Denver, Colorado, 80202-2508, Attention: ECF System Registration, or COBML\_Training@cob.uscourts.gov.

(3) Password. Each Electronic Filer is entitled to one CM/ECF password for electronic retrieval, filing and noticing of documents in accordance with CM/ECF. Registration for a password is governed by paragraph I.C.

(A) The password required to submit documents to the ECF system serves as the Electronic Filer's original signature on all electronic documents filed with the court.

(B) Electronic Filers agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised. Electronic Filers may also find it desirable to change their assigned passwords periodically and may do so by contacting the Systems Department of the Clerk's Office.

(C) The individual named in the CM/ECF registration Form remains the official recipient of the Electronic Filer's password. No Electronic Filer or other person may knowingly permit or cause to permit an Electronic Filer's password to be used by anyone other than an authorized agent of the Electronic Filer. All documents submitted via an Electronic Filer's password is considered "signed" by the Electronic Filer to whom the password is issued.

(D) Pursuant to 5005-4, the court reserves the right to temporarily deactivate an Electronic Filer's password, or to revoke it and the authority to file electronically.

(b) **Electronic Filing and Service of Documents**

(1) Filing.

(A) Electronic filing: except as expressly provided herein or as directed by a Judge in a particular case or matter, all petitions, statements of affairs, schedules, motions, pleadings, memoranda of law, certificates of contested and non-contested matters, or other documents required to be filed with the court in connection with a case must be electronically filed in accordance with these ECF Procedures

(B) Signatures: all documents requiring original signatures or verification may bear facsimile, imaged or "electronic signatures," e.g., "s/Jane Doe." Documents requiring the signatures of more than one party may be electronically filed, provided that the document contains all necessary signatures.

(C) Waiver of paper format: pursuant to Fed.R.Bankr.P. 5005(a)(2), a document filed by electronic means in accordance with these ECF Administrative Procedures, constitutes a written paper for the purpose of applying the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure made applicable by the Federal Rules of

Bankruptcy Procedure, and § 107 of Title 11, United States Code, except as otherwise provided by these procedures. Electronic filers who file documents electronically pursuant to these procedures are excused from filing said documents in paper form.

(D) Copies: except as otherwise stated in these ECF Administrative Procedures, all petitions, schedules, statements, lists, and amendments thereto, and all motions, applications, notices, objections, requests for hearing and other documents filed or converted to electronic case files pursuant to these procedures are to be filed in electronic format only. The requirement to file copies in paper format does not apply, except when specifically requested by a Judge or Judge's chambers.

(E) Exhibits: because lengthy and voluminous exhibits create accessibility problems in CM/ECF, Electronic Filers filing documents that reference exhibits not prepared in electronically produced text must scan and electronically file those exhibits divided as separate attachments in PDF format each of which must not exceed one hundred (100) pages in length, scanned at three hundred (300) or less d.p.i.

(F) Proofs of claim: proofs of claim may be electronically filed by attorneys or other parties who are authorized to file electronically pursuant to these ECF Procedures. The Clerk will scan all proofs of claim and exhibits attached thereto filed in paper format into CM/ECF. Exhibits in excess of approximately one hundred (100) pages in length, scanned at three hundred (300) or less d.p.i., will be divided and scanned as multiple attachments to the claim

(G) Title of docket entries: electronic filers are responsible for selecting the appropriate event and title for the electronically filed document using one of the options provided in the system, e.g., motion, application, etc.

(H) Fees payable to the Clerk: When a document requiring a fee is electronically filed, the electronic filer must effect payment of the fee via credit card at the conclusion of the transaction. Failure to pay the fee, if any, at the conclusion of the day on which the transaction occurs, may result in an order striking filing of the document. Repeated failure to pay the filing fee for electronically filed documents may result in the temporary suspension or revocation of the electronic filer's ECF password. In the event the credit card charge cannot be processed, the Electronic Filer will be contacted and must satisfy the required payment within 24 hours. This paragraph does not apply to federal agencies and chapter 7 trustees for whom different filing fee payment arrangements may apply.

(I) Exclusions to electronic filing of documents and the requirements and provisions of these ECF Administrative Procedures for documents that will continue to be filed in conventional paper format:

- (i) Involuntary petitions filed pursuant to 11 U.S.C. 303;

- (ii) Petitions filed pursuant to chapter 9;
- (iii) Petitions ancillary to foreign proceedings filed pursuant to 11 U.S.C. § 1501 et seq.;
- (iv) Miscellaneous cases wherein the court does not already have jurisdiction such as a motion to quash a subpoena issued by a court or judicial officer in another jurisdiction;
- (v) Notices of Removal; and
- (vi) Writs.

(2) Consequences of Electronic Filing.

(A) The official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

(B) Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight MST or MDT, as applicable, in order to be considered timely filed that day. Notwithstanding the foregoing, an Electronic Filer whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

(C) It is the responsibility of the Electronic Filer to file and link electronic documents correctly in accordance with the requirements of CM/ECF and these ECF Procedures. In the event an Electronic Filer files an electronic document containing errors, omissions, defects or other deficiencies, the Clerk will, upon discovery, make an entry on the docket noting the error or omission and send the Electronic Filer notice of entry of the error or omission via the Automatic Notice of Electronic Filing pursuant to paragraph II.C.2. of these Procedures. The electronic filer must correct the error or omission described in said Automatic Notice of Electronic Filing by the close of the next court day following transmittal of the Automatic Notice of Electronic Filing. The failure to timely correct the error or omission, unless the court orders otherwise, will result in the erroneous document not being acted upon by the court. Certain other matters may be corrected by the Clerk's staff pursuant to local rule or General Procedure Order.

(3) Service.

(A) General Rule: except as otherwise provided in paragraph II.C.3., all documents required to be served must be served in paper (i.e., "hard copy") form in the manner mandated by the applicable law and rules.

(B) Automatic Notice of Electronic Filing: the CM/ECF system automatically generates a Notice of Electronic Filing at the time a document is filed with the system. The Notice indicates the time of filing, the name of the party and Electronic Filer filing the document, the type of document, and the text of the docket entry. It also contains an electronic link (hyperlink) to the filed document, allowing anyone receiving the Notice by e-mail to retrieve the document automatically. The CM/ECF system automatically sends this Notice to all Electronic Filers participating in the case. Electronic Filers are obligated to ensure that their e-mail boxes designated to receive the Notice have sufficient capacity to receive all notifications.

(C) Consent to electronic service from the court: the request for and receipt of an electronic filing password from the court constitutes a request for electronic service pursuant to FED. R. BANKR. P. 9036 of all notices, orders, decrees and judgments issued by the court, and except as otherwise provided in the ECF Administrative Procedures, a waiver of the right to receive notice and service from the court by mail. Electronic filers will receive electronic notification of notices, orders, decrees and judgments in cases where they enter their appearance.

(D) Service from Other Parties: registration does not constitute waiver of the right to personal service or service by first class mail from other parties in the case. Registration does not constitute consent to electronic service/notice from other parties in the case.

(E) Case specific consent to electronic service/notice from other parties: An electronic filer may file a specific waiver of the right to personal service or first class mail and consent to electronic service/notice from other parties in each case pursuant to FED. R. BANK. P. 9036. Whenever service is required to be made on a person who has filed a case specific waiver/consent, service and notice must be accomplished by electronic mail to the e-mail address on file with the court. Any notice sent via e-mail from a party other than the court must contain "Notice of Pleadings" in the subject or "re" line. The certificate of service must contain the email addresses and name(s) of the person(s) to whom electronic service was affected.

(F) Orders: All signed orders, decrees, judgments, and proceedings of the court will be electronically filed by the court or court personnel in accordance with these ECF Procedures, which will constitute entry on the docket kept by the Clerk under FED. R. BANKR. PRO. 5003 and 9021. Immediately upon the electronic entry of an order or judgment, a Notice of Electronic Filing will be transmitted to all Electronic Filers who have entered appearances in the case. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by FED. R. BANKR. PRO. 9022. The Clerk will provide notice in paper form to any person who is entitled to receive notice, but is not a registered Electronic Filer. In addition to the Notice of Electronic Filing, the Clerk, may, at his/her discretion, also provide notice in paper form to Electronic

(c) **Access to the Docket**

(1) **Internet Access.** Any person or organization may obtain access to the “read only” area of CM/ECF at the court’s Internet site at [www.cob.uscourts.gov](http://www.cob.uscourts.gov) by obtaining a PACER password and paying any fees established for such access. Those who have PACER access, but who are not Electronic Filers, may retrieve docket sheets and documents, but they may not file documents. Information posted on the CM/ECF system must not be downloaded for uses inconsistent with the privacy concerns of any person.

(2) **Access at the Court.** Electronic access to all documents filed for public access is available, without obtaining a password, in the Clerk’s office during regular business hours, Monday through Friday. Conventional and certified copies of electronically filed documents may be purchased at the Clerk’s office during regular business hours Monday through Friday. The fee for copying and certifying will be in accordance with the Schedule of Miscellaneous Fees promulgated by the Judicial Conference of the United States pursuant to 28 USC § 1930(b).

(3) **Access Charges.** Electronic access fees are payable in accordance with the fees and procedures established by the Judicial Conference of the United States pursuant to 28 USC § 1930(b).



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF COLORADO  
ELECTRONIC CASE FILING (ECF) SYSTEM  
ELECTRONIC FILER REGISTRATION FORM  
(Live System)**

To register for an account on the Court's ECF System, please provide the information requested below:

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Firm Address: \_\_\_\_\_

Voice Phone Number: \_\_\_\_\_

FAX Number: \_\_\_\_\_

Bar ID# and State: \_\_\_\_\_

Date admitted to practice before the Colorado U.S. District Court, or, alternatively, date and case number where *pro hac vice* practice was authorized before the Colorado U.S. Bankruptcy Court: \_\_\_\_\_

Primary E-Mail Address (for e-mail notification) \_\_\_\_\_

Send Duplicate E-Mail To: \_\_\_\_\_

Send Electronic Notice (check one): \_\_\_\_\_ Each Filing \_\_\_\_\_ End of Day Summary \_\_\_\_\_

Send Electronic Notice in the following format (check one):

\_\_\_\_\_ HTML for Netscape, ISP mail service, i.e, AOL, Hotmail, Yahoo, etc.

\_\_\_\_\_ Text for cc:mail, Groupwise, Outlook, Outlook Express, Other (please list)

CM/ECF Contact Name and Telephone Number \_\_\_\_\_

\_\_\_\_\_

***By submitting this registration form, applicant agrees to the statements on the next page.***

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF COLORADO  
ELECTRONIC CASE FILING (ECF) SYSTEM  
ELECTRONIC FILER REGISTRATION FORM  
(Live System)**

By submitting this registration form, applicant agrees to the following:

1. Federal Rule of Bankruptcy Procedure 9011 requires that every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) filed with the Court be signed by at least one attorney of record or, if the party is not represented by an attorney, by the party. The unique password issued to an Electronic Filer identifies that person to the Court each time he or she logs on to the ECF system. The use of an Electronic Filer's password constitutes the signature of the Electronic Filer for the purposes of Fed.R.Bankr.P. 9011 on any document or pleading filed electronically using that Electronic Filer's password. Therefore, an Electronic Filer must protect and secure the password issued by the Court. If you have any reason to suspect your password has been compromised, it is your duty to notify the Court immediately. The Court will thereafter immediately delete that password from the ECF system and issue a new password.
2. By this registration, applicant agrees to adhere to General Procedure Order No. 2001-8 and the Administrative Procedures for Electronic Case Files attached thereto and referenced therein, including consenting to the electronic service of pleadings and other papers from the Court as set forth in paragraphs II.C.3. therein. Applicant further understands and agrees that upon entering an appearance as an Electronic Filer in a case or proceeding, such appearance does not constitute consent to receive notice and service by electronic means from other attorneys unless he or she files a specific consent for service by electronic means within such case or proceeding. Applicant further understands that upon notification of an error, omission, or other deficiency in a document filed electronically, the Electronic Filer shall correct said deficiency no later than the next court day, failing which said deficient document shall be deemed stricken.
3. Applicant agrees that prior to receiving a login and password to electronically file documents, he or she must enroll in and satisfactorily complete a CM/ECF Electronic Filer Training Program conducted by the clerk.
4. Applicant understands that originals of all electronically filed pleadings, affidavits, and other documents that contain original signatures or require verification under Fed.R.Bankr.P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, must be maintained by the attorney of record or the party originating the document for two years following expiration of all time periods for appeals after entry of a final order terminating the case or proceeding.
5. Except for federal agencies and chapter 7 trustees for whom other filing fee payment procedures may apply, applicant understands that in order to electronically file documents for which a fee is required, he or she must pay those fees with a credit card via the secured Internet either upon conclusion of the transaction or by the close of business on the date of the filing. The applicant further understands that failure to meet this payment requirement represents a defective filing and may result in the loss of electronic filing privileges.
6. Applicant understands that the Court may revoke an Electronic Filer's password and, therefore, his or her authority and ability to electronically file documents for failure to comply with any provisions of this agreement, failure to adequately protect his or her Electronic Filer password, failure to comply with the provisions of General Procedure Order No. 2001-8 or the Administrative Procedures for Electronic Case Files attached thereto, failure to pay any fees required for documents electronically filed, or other misuse of the electronic case filing system.

Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

Please return to: Bradford L. Bolton, Clerk  
U. S. Bankruptcy Court  
District of Colorado  
721 19th St.  
Denver, CO 80202

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF COLORADO  
ELECTRONIC CASE FILING (ECF) SYSTEM

ELECTRONIC FILER PASSWORD FORM  
(Live System)

Electronic Filer Password (provided by filer):  
(Eight character limit)

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Signature of Electronic Filer:

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Date:

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**NOTE:** Upon the electronic filer's completion of a court administered CM/ECF training course and assigned homework, a CM/ECF login will be assigned on this form and mailed to the electronic filer.